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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19351-19400

[Approved by the Secretary of Agriculture, Washington, D. C., November 12, 1932]

19351. Misbranding of Morrison's Old English liniment. U. S. v. 11 Packages, et al., of Morrison's Old English Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26945. I. S. Nos. 34468, 34469. S. No. 5155.)

Examination of the drug product Morrison's Old English liniment, involved in this action, showed that the carton and bottle labels and a circular shipped with the article contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess.

On September 8, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 large bottles and 22 small bottles of Morrison's Old English liniment, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the James W. Foster Co., of Bath, N. H., from Lisbon, N. H., on or about July 24, 1931, and had been transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a nonvolatile oil such as fish oil and volatile oils such as pine-tar oil, turpentine oil, and kerosene.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton, small size) "Used Externally For Contracted, Hard, Dry and Brittle Feet, Corns, Quarter-cracks, Thrush, Founder, Navicular Disease, Mud Fever, Scratches, Curbs, Splints * * * Rheumatism, Bog Spavin, Wind Puffs, Shoe Boils, Contracted Cords, Galls, Sores, * * * Inflammation. Used Internally For Coughs * * * Sore Throat, Distemper, Bronchitis, Pink Eye, Kidney and Bladder Troubles. * * * such as Hard, Dry, Pinched, Sore or Contracted Hoofs, Corns, Quarter-cracks, Thrush and Mud Fever, for all * * * Open Sores, Shoe Boils, Lamé Muscles, Contracted Cords * * * Inflammation and Rheumatism, will find it the most effective and satisfactory of anything he has ever used. * * * [testimonial] ' * * * anything equal it to grow a horse's foot and keep it in a healthy condition. I believe it will cure thrush quicker than any other remedy ever invented.' * * * Used Externally Gives General Satisfaction For Rheumatism, Lamé Back. * * * Chilblains, Ingrowing Nails, Corns, Bunions * * * Inflammation * * * but also to heal the wound and prevent deadly germs from attacking the wounded flesh. * * * will protect the wound from microbes of tetanus (lockjaw) and blood poison;" (bottle label, small size) "For External and Internal Use, Externally For Contracted, Hard, Dry and Brittle Feet, Corns, Quarter Cracks, Thrush, Founder, Navicular Disease, Mud Fever, Scratches, Curbs, Splints, * * * Rheumatism, Bog Spavin, Wind Puffs, Shoe Boils, Contracted Cords, Galls, Sores, * * *

Inflammation. Internally For Coughs, * * * Sore Throat, Distemper, Bronchitis, Pink Eye, Kidney and Bladder Troubles. * * * Directions. To Grow Out Foot * * * Contracted Feet * * * Founder * * * Brittle Feet * * * Navicular Disease * * * Corns * * * Calks * * * Scratches * * * Mud Fever * * * Quarter Cracks * * * Thrush * * * Splint * * * Rheumatism * * * Sore Backs, Necks and Shoulders * * * Shoe Boils * * * Big Knees * * * Coughs * * * Distemper, Pink Eye, Bronchitis * * * Sore Throat * * * Kidney and Bladder;" (carton, large size) "For the Relief of Pain * * * For the Relief of Pain In Cases of Rheumatism, Neuritis, Sciatica, Lumbago, Neuralgia, * * * Bunions, * * * And Inflammation * * * Highly recommended For Coughs, * * * Sore Throat, Bronchitis, La Grippe and to allay distress in cases of Diphtheria;" (bottle label, large size) "For Man Or Beast For External and Internal use. Externally For Contracted, Hard, Dry and Brittle Feet, Corns, Quarter Cracks, Mud Fever, Founder, Thrush, Navicular Disease, Splints, * * * Rheumatism, Bog Spavin, Shoe Boils, Big Knees * * * Inflammation, * * * and Wounds of every description, softens the Hoofs and causes them to grow healthy and strong. Internally For Coughs * * * Sore Throat, Distemper, Bronchitis, * * * Kidney and Bladder Troubles. * * * Used Externally is an excellent remedy for Rheumatism, Lamé Back * * * Chilblains, Ingrowing Nails, Corns, Bunions, * * * Removes all * * * Inflammation. Directions. Use freely and Rub in Well. * * * you will be surprised at the Relief Afforded. Taken Internally it is an excellent remedy for Coughs * * * Bronchitis, Diphtheria and Sore Throat, Beneficial in aggravated cases of La Grippe * * * Directions. To Grow Out Foot * * * Contracted Feet * * * Founder * * * Brittle Feet * * * Navicular Disease * * * Corns * * * Calks * * * Scratches * * * Mud Fever * * * Quarter Cracks * * * Thrush * * * Splint * * * Rheumatism * * * Sore Backs, Necks and Shoulders * * * Shoe Boils * * * Big Knees * * * Coughs * * * Distemper, Pink Eye, Bronchitis * * * Sore Throat * * * Kidney and Bladder;" (circular, both sizes) "For the Relief of Pain in cases of Rheumatism, Neuritis * * * Neuralgia, Sciatica, * * * Inflammation. * * * Bunions, * * * Chilblains * * * Externally Use * * * as follows: Rheumatism * * * Neuritis Or Nerve Inflammation * * * Sciatica Or Neuralgia of the Hip or Thigh * * * Lumbago * * * Neuralgia * * * Inflammation * * * Bunions * * * Do you suffer from Rheumatic Pains, Inflammation, Neuralgia, Stiff or Sore * * * Joints * * * prevent deadly germs from attacking the wounded flesh. * * * will protect the wound from microbes of tetanus (lockjaw) and blood poison. * * * Recommended for Skin Eruptions, Eczema * * * Pimples * * * Wonderful Results Reported in Cases of Piles and Varicose Ulcers."

On October 7, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19352. Misbranding of Phosphorcin. U. S. v. 3 Dozen Bottles of Phosphorcin. Default decree of condemnation and destruction. (F. & D. No. 26203. I. S. No. 28256. S. No. 4478.)

Examination of the drug product Phosphorcin involved in this action showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the circular shipped with the said article.

On April 10, 1931, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three dozen bottles of Phosphorcin, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Biddle Purchasing Co., from New York, N. Y., in part on or about December 27, 1930, and in part on or about February 5, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium glycerophosphate, sodium glycerophosphate, phosphoric acid, material derived from nux vomica, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Circular) "As a reconstructive tonic in all ailments of the nervous system; in Anemia, Chlorosis, Sexual Impotence and Debility, Phosphaturia, Athrepsia, Pellagra, Chronic Dyspepsia, Secondary Anemia, Menstrual Disturbances, Rachitis, Osteomalacia, General Debility, * * * it is of exceptional value in Diabetes, Albuminuria, Chronic Nephritis and General Paralysis. * * * While a deficiency of phosphorus is manifested by different pathological conditions in different individuals, generally speaking, this lack is soon followed by interrupted growth, a lessening in healthy nutrition, and a diminution in the number of red cells in the blood, which leads to various conditions, such as anemia, chlorosis, metabolic diseases, and many other asthenic forms which accompany lowered resistance and impaired nutrition and growth. * * * Phosphorcin is an elementary phosphorus of high assimilability. * * * Phosphorcin supplies a scientific method of administering phosphorus in a form that will be quickly absorbed and properly assimilated by the body cells. * * * highly efficient one in the treatment of depressed conditions of the nervous system, as well as in the convalescent period following neurasthenia, influenza and other febrile diseases."

On June 9, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19353. Misbranding of Dr. Bradfield's female regulator. U. S. v. 35 Bottles of Dr. Bradfield's Female Regulator. Default decree of destruction entered. (F. & D. No. 25370. I. S. No. 607. S. No. 3621.)

Examination of a drug product, known as Dr. J. Bradfield's female regulator, having shown that the labeling of the article contained unwarranted curative and therapeutic claims, the Secretary of Agriculture reported to the United States attorney for the Southern District of California the interstate shipments herein described involving a quantity of the product located at Los Angeles, Calif.

On November 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35 bottles of the said Dr. Bradfield's female regulator, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Bradfield Regulator Co., Atlanta, Ga., alleging that the article had been shipped from Atlanta, Ga., in part on or about July 2, 1929, and in part on or about October 8, 1929, and had been transported from the State of Georgia into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including a laxative drug, glycerin, alcohol, and water, flavored with cinnamon oil.

It was alleged in the libel that the article was misbranded in that certain statements on the bottle and carton labels and in the accompanying circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 4, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19354. Misbranding of Doz-It. U. S. v. 357 Sacks of Doz-It. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26482. I. S. No. 25648. S. No. 4773.)

Examination of the drug product Doz-It from the shipment herein described showed that the labeling bore unwarranted curative and therapeutic claims for the article; certain ingredients declared on the label were present in very small amounts; the article was also found to contain less protein and fat than labeled.

On or about June 12, 1931, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 357 sacks of Doz-It at Greenleaf, Mich., alleging that the article had been shipped by the Farmers Medicated Stock Salt Co., from Mifflinburg, Pa., on or about December 17, 1929, and had been transported from the State of Pennsylvania into the State of Michigan, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (94.5 per cent), charcoal, small proportions of compounds of calcium, magnesium, and iron, protein (0.05 per cent), and fat (0.12 per cent).

It was alleged in the libel that the article was misbranded in that the statements, "This is composed of Charcoal (Car Bo Ligin), Salt, Epsom Salts (Sulphate of Magnesia), Copperas (Sulphate of Iron)," on the bag label, were false and misleading in view of the insignificant portion of ingredients other than charcoal and salt. Misbranding was alleged for the further reason that the statement on the label, "Protein 0.56 Fat 0.19," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in a circular within the bag containing the article, regarding the curative or therapeutic effects of the said article, were false and fraudulent: "Purifies the blood and tones up the system. It will expel worms from Hogs, Horses, etc. Prevents abortion, and there will be no Bloating Where It Is Fed. * * * Hog Cholera:—Nothing will cure cholera, but where Doz-It is used there will be no Cholera."

On July 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19355. Adulteration and misbranding of Nestor emulsion of pure cod-liver oil. U. S. v. Nestor Drug & Chemical Co. Plea of guilty. Fine, \$200. (F. & D. No. 26586. I. S. No. 8158.)

Examination of a drug product, labeled "Nestor Emulsion of Pure Cod Liver Oil With Eggs and Hypophosphites of Lime and Soda," showed that the article contained less cod-liver oil and alcohol than labeled. The labeling contained unwarranted curative and therapeutic claims for the article.

On October 10, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Nestor Drug & Chemical Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, on or about October 9, 1930, from the State of Illinois into the State of Tennessee, of a quantity of the said Nestor emulsion of pure cod-liver oil that was adulterated and misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of cod-liver oil (39.94 per cent), small proportions of calcium and sodium compounds, hypophosphites, egg yolk, alcohol (8.4 per cent), and water, flavored with methyl salicylate.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to contain 50 per cent of cod-liver oil and 12½ per cent of alcohol, whereas it contained not more than 39.94 per cent of cod-liver oil and not more than 8.4 per cent of alcohol.

Misbranding was alleged for the reason that the statements, "Cod Liver Oil 50%" and "12½% Alcohol," borne on the bottle label, were false and misleading in that the said statements represented that the article contained 50 per cent of cod-liver oil and 12½ per cent of alcohol, whereas it contained less cod-liver oil and alcohol than so declared. Misbranding was alleged for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein, since the statement made on the bottle label was not correct. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutical and curative effects of the article, amending on the bottle labels, falsely and fraudulently represented that the article was, in whole or in part, composed of or contained ingredients or medicinal agents effective as a reliable preparation for many forms of pulmonary diseases and

other lung troubles, and effective as a remedy for coughs and general debility, whereas it contained no ingredient or medicinal agents effective as a reliable preparation for many forms of pulmonary diseases or effective as a remedy for other lung troubles, coughs, or general debility.

On December 16, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19356. Misbranding of Flucine. U. S. v. Eight 200-c.c. Bottles and Seven Pint Bottles of Flucine. Default decree of condemnation and destruction. (F. & D. No. 26490. I. S. No. 30246. S. No. 4788.)

Examination of a drug product, known as Flucine, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.

On or about June 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight 200-c c and seven pint bottles of Flucine, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by D. R. Sawyer Co. (Inc.), from New York, N. Y., on or about February 12, 1931, and had been transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of water colored with a coal-tar dye.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Flucine for Treatment of Acute Bronchitis (Flu) in Poultry. Important. Flucine is for treatment of Flu. * * * Directions:—Inject 1 c.c. of Flucine on thigh of bird once a day until relief is effected."

On September 22, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19357. Misbranding of Pabst's O. K. specific. U. S. v. Fridolin Pabst (Pabst Chemical Co.). Plea of guilty. Fine, \$500. (F. & D. No. 26558. I. S. Nos. 7305, 7310, 7311, 7520, 7522, 25942.)

Investigation of the drug product Pabst's Okay specific involved in this action disclosed that the article would not be effective as a treatment and cure for certain diseases and ailments for which it was recommended by means of statements appearing on the bottle labels, wrappers, and in the circulars shipped with the said article.

On October 10, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Fridolin Pabst, trading as the Pabst Chemical Co., Chicago, Ill., alleging shipment by said defendant, in violation of the food and drugs act, as amended, of quantities of Pabst's O. K. specific that was misbranded. It was alleged in the information that the shipments had been made in interstate commerce as follows: From the State of Illinois into the State of Michigan, on or about July 11, July 23, and July 24, 1930; from the State of Illinois into the State of Wisconsin, on or about April 24, 1930; and from the State of Illinois into the State of Indiana, on or about March 20, 1931.

Analysis of a sample of the article by this department showed that it consisted essentially of cubeb oil, copaiba oleoresin, buchu extract, sugar, alcohol, and water.

Misbranding of a portion of the product was charged in the information for the reason that certain statements regarding the therapeutic and curative effects of the article, appearing on the bottle labels and wrappers, and in the circulars accompanying the said article, falsely and fraudulently represented that it would be effective in the treatment of and as a cure for gonorrhoea and gleet, to be followed by treatment with Okay tonic; whereas the article would not be effective in the treatment of or as a cure for gon-

orrhoea and gleet, either when taken alone or followed by treatment with Okay tonic. Misbranding of the remainder of the article was charged in that certain statements appearing in the labeling, regarding the therapeutic and curative effects of the article, falsely and fraudulently represented that it would be effective in the treatment of and as a cure for gonorrhoea, gleet, leucorrhoea, blenorrrhagia, diseases of the kidneys and bladder, chronic seminal and mucus emissions, and effective in the treatment of and as a cure for all the other diseases and conditions named on the bottle labels, wrappers, and circulars as hereinafter set forth; whereas, the said article contained no ingredient or combination of ingredients effective in the treatment of or as a cure for gonorrhoea, gleet, leucorrhoea, blenorrrhagia, diseases of the kidneys and bladder, and chronic seminal and mucus emissions, or in the treatment of or as a cure for all the following diseases and conditions named on the said bottle labels, wrapper, and circulars: (Wrapper and bottle label) "O. K. Okay Specific;" (wrapper) "Absolutely Safe Take It And You Will Not Be Disappointed;" (small circular, entitled "The Okay Tonic") "Men * * * who had just completed a treatment with our Okay Specific and felt the need of * * * a medicine to overcome the after-effects of acute infections. * * * these patients, * * * following a siege of debilitating sickness. * * * 'Tonic' is not to be taken at the same time you take the 'Okay Specific.' When you are through with the treatment for Gonorrhoea and Gleet, then we would advise you to take some of our 'Okay Tonic' * * * It has a soothing effect on the * * * organs that were affected by your recent illness. * * * Do not confuse The Okay Tonic with the Okay Specific. It is not to be taken instead of the Okay Specific, but as an After Treatment. When you have been cured of the Gonorrhoea, then use The Okay Tonic [similar statements in several foreign languages];" (large circular entitled "Pabst's Okay Specific") "Take the medicine regularly in full doses without interrupting the treatment until satisfactory results have been obtained; continue taking the medicine for fifteen days after all outward signs have disappeared. * * * Chronic Cases Pabst's Okay Specific is especially beneficial in chronic cases. These cases, which are usually of long standing, * * * generally disappear after using the Okay Specific. Of course, it must not be expected that a case of many years' standing will disappear after taking one bottle of the medicine; very old cases may require more time and longer treatment, and several bottles, sometimes four or five of the medicine may have to be taken before satisfactory results are obtained. * * * if the case is one of long standing, continue for ten to fifteen days with full doses after all outward signs have disappeared, and then ten to fifteen days more in gradually diminished doses [similar statements in several foreign languages];" (wrapper and bottle label, in English) "O. K. Specific;" (Spanish) "For gonorrhoea, blenorrrhea, leucorrhoea, diseases of the kidneys and bladder, and for chronic seminal and mucus emissions;" (wrapper in Spanish) "Does not produce stricture. Never fails! Absolutely sure!" (directions in circular, in Spanish and in English) "Pabst's Okay Specific A Highly Recommended Remedy For Gonorrhoea, Gleet (No matter how long standing), Leucorrhoea of Women (commonly called Whites), Bladder and Kidney Affections, Chronic Seminal and Mucous Discharges. Taken according to directions this medicine is absolutely safe and harmless. If the Okay Specific is properly and persistently taken a cure usually follows, no matter how old or how serious the case may be. We do not know an instance in which this result has not been accomplished. Directions: Gonorrhoea—Shake the bottle well and take a teaspoonful three times a day, one and one-half or two hours after meals. Take the remedy regularly in full doses without ever interrupting the treatment until you are completely cured. You cannot expect a complete and permanent cure unless you continue taking the remedy for about 10 days after all outward signs of a discharge have disappeared, for while the discharge may have stopped, the mucous membrane of the urethral passage is yet sore and tender, and an interruption of the treatment at this stage may result in an immediate return of the discharge. * * * The time which is required to accomplish a complete cure depends on the seriousness of the case, the nature of the patient and his ability to take good care of himself. Under favorable conditions a cure should be effected after taking one or two bottles, though some cases will persist and more of the remedy should be taken. Gleet—Pabst's Okay Specific is especially recommended in cases of Gleet or Chronic Gonorrhoea. This trouble, which is usually of long standing and which frequently refuses to yield to all kinds of treatments, generally disappears after using the Okay Specific. Of course, it

must not be expected that a case of many years' standing will disappear after taking one bottle of the remedy; very old cases may require more time and longer treatment, and several bottles, sometimes four or five, of the remedy should be taken. Take one teaspoonful three times a day, one and one-half or two hours after meals and continue after the discharge has stopped, if the case is one of long standing, for ten to fifteen days with full doses, and ten to fifteen days more in gradually diminished doses. * * * Seminal and Mucous Discharges, Kidney and Bladder Troubles and Leucorrhoea—Take in same manner as directed for Gleet;" (in Spanish only) "The Okay Specific of Pabst is an absolutely harmless remedy. We do not promise that our remedy cures in one or two days—or in five; the time depends entirely on the gravity of the case. In a great number of cases a complete cure has been obtained in one or two days but these cases are more the exception than the rule. Nevertheless as soon as one begins to take the Okay Specific the cure begins, and although an improvement may be scarcely noticeable at first sight the remedy will be gradually preparing the system. The inflammation disappears and the emissions are less acid and irritating. Sometimes, although rarely, five or ten days will pass before there will be any improvement and many patients become impatient, but it must be borne in mind that in such cases it is absolutely necessary to prepare the system in order to put it in condition for a perfect cure. * * *

The testimonials which we receive are proof of the merit of the Okay Specific and every sensible person knows very well that, with the exception of some cases, the gonorrhoea or Blenorrhagia cannot be cured in a few days. The most positive proofs of the foregoing are the opinions of the pharmacists who sell our preparation, because in handling so much medicine, they are able to judge which one has the greatest merit. The general opinion of pharmacists is that there is no other medicine as generally satisfactory as ours and no other on which one can always rely for a cure. Read the testimonials of some druggists (we have thousands in our archives) given in the circular. No just person can deny that the Okay Specific is superior to any other similar medicine offered to the public because it cures the most serious cases of gonorrhoea and the most ancient cases of blenorrhagia;" (testimonial circular, in Spanish) "O. K. Specific * * * The One Sure Remedy for Gonorrhoea and Blenorrhagia Seminal and Chronic Mucous Emissions; Also for Leucorrhoea in Women as a medicine of the highest curative efficiency, the Okay Specific of Pabst has an unparalleled history, and among all medicines known for gonorrhoea and blenorrhagia it is absolutely unequalled. * * *

The Okay Specific of Pabst never fails to effect a complete and permanent cure. It has never failed even in the most obstinate cases. It makes no difference what the condition may be—whether severe or light, of many years' standing or of recent date—the Okay Specific of Pabst will cure it. Cases which have already left the patient in despair * * * have invariably yielded to the curative and mild, although powerful properties of this remedy. In cases recently contracted, a few doses will produce much alleviation; the inflammation is reduced, the itching ceases and is followed by a complete cure. In old cases the remedy overcomes and heals the emissions, however chronic they may be. Letters are received every day from persons who have been cured with Okay Specific of Pabst. In many of these cases * * * they have been given up as incurable. These abandoned cases yielded to the healing influence of Okay Specific of Pabst which cured them completely, and the patients have sent us letters * * * testifying to the efficacy of our medicine. * * *

there are thousands of patients who have been completely cured with the Okay Specific of Pabst who have not written to us * * * These patients feel so thankful that they recommend it to the others who have need of it * * * the Okay Specific of Pabst has attained an unparalleled reputation from one end of the country to the other as an infallible remedy for gonorrhoea and blenorrhagia. * * *

Thousands of the most reputable druggists in the United States have written to us saying that they consider the Okay Specific of Pabst the surest remedy of all those they receive, and that they take advantage of every opportunity to recommend it. And why? Because every day they witness the most marvelous cures which it performs and listen to the words of gratitude which those who have been cured express to them. * * *

he says that out of the 25 or 30 bottles which he had sold up to the present time there was not one which did not produce a cure. * * *

he says that the Okay Specific * * * has effected some marvelous cures * * *

We also refer to the letter of C. P. Brobeck of Rochester, Pa., who informs us that he has sold 11 dozen (132 bottles) and that each purchaser has been satisfied. An extraordinary thing you say? But if the 132 bottles were so successful

that each one was cured, it seems reasonable to us to suppose that the Remedy will do as much for you. The Okay Specific of Pabst occupies its high place because of its merit. It has effected more complete and permanent cures * * * we published the evidence of these cures and this evidence is absolutely unique and irreproachable. There are thousands of men in all parts of the country enjoying perfect health who would still be afflicted if it had not been for the Okay Specific of Pabst. * * * the Okay Specific of Pabst was the only one which could cure them. You do not experiment when you take this remedy because you are taking an absolute cure. Its effects are * * * invigorating and it is guaranteed to be absolutely harmless to the system. * * * it prevents stricture. * * * If you wish to cure yourself procure the only sure and genuine treatment—the Okay Specific of Pabst. * * * The Okay Specific of Pabst Never Fails Absolutely harmless. * * * these communications * * * will serve to demonstrate the truth of our statement, namely, that the Okay Specific of Pabst is the only absolute and sure remedy for gonorrhea and blenorrrhagia. * * * 'I have sold 11 dozen of your Okay Specific and each bottle effected a cure. You have an exceptional remedy.' * * * 'The Okay Specific * * * I am sure that it has cured old cases.' * * * 'Your Okay Specific has been universally satisfactory and has effected some marvelous cures.' * * * 'I believe that the designation "cures without fail every time" would be a good name for your medicine.' * * * 'Out of the 25 or 30 bottles which I have sold there is not a single one which failed to produce a cure.' * * * Okay Specific. We have found it to be the same as represented in every sense. Each purchaser of the Specific has sent us a letter expressing his entire satisfaction. Some of them have been cured with less than one bottle, and we have had no case in which the cure has not been obtained with a single bottle.' * * * 'Every bottle I have sold has produced a cure.' * * * 'It is a pleasure to sell your remedy because the purchaser never returns to complain on account of not having been cured.' * * * 'The results produced with your remedy have been more satisfactory than those of any venereal remedy which we have ever sold.' * * * 'It pays to recommend it because it cures. It never fails.' * * * 'I have sold 7, and each one of these seven bottles has proved to be as represented.' * * * 'The benefit obtained with your Okay Specific has exceeded expectations. We have recently had reports of two cases of chronic blenorrrhagia. * * * The Okay Specific has completely cured them.' * * * 'I sold the second bottle to a client. * * * and he told me that the Okay was the first that had benefited him. * * * my clients * * * are buying it with more confidence. It certainly must be a good remedy.' * * * your Okay Specific. It is a remedy which remedies.' * * * 'I sold a bottle to a certain young man * * * He was cured with one bottle. * * * your remedy is the cheapest because it effects the speediest cure. * * * A few days ago I sold to Sr. Fulano, * * * the second bottle of the Okay Specific. He was immediately alleviated and he ought to be entirely well because I have not seen him for several weeks. His ailment lasted two years * * * Imagine my surprise when he told me that he was almost well after taking only a little more than one bottle. Your remedy is all right * * * It has given entire satisfaction to the purchasers and has cured two persons * * * Okay Specific. Your preparation is well named * * * A case of 8 years' standing obtained more benefit with 3 bottles of the Specific * * * We know that it can be recommended with confidence because physicians always buy it when they have a stubborn case.' * * * If you wish the only sure and genuine remedy, procure the Okay Specific of Pabst * * * We have demonstrated that the internal treatment with the Okay Specific of Pabst is not only the least dangerous and the surest for gonorrhea and blenorrrhagia, but that it is the only correct treatment. Furthermore, we have clearly and conclusively proven that gonorrhea in all its periods, from the lightest to the most aggravated and chronic forms may be cured without recourse to injections. We have proven it to those who have taken our remedy. * * * Hundreds of voluntary testimonials which have been directed to us as well as to druggists who sell the remedy, include cases of gonorrhea in which the Okay Specific of Pabst was taken at the beginning of the disease, and also cases in which it was used after the patients had taken other methods of treatment * * * An experience of more than seven years with the Okay Specific of Pabst has convinced us that the internal treatment is undoubtedly the only one which ought to be used, and that * * * ours is the only absolutely harmless and sure remedy from every point of view that has ever been

offered to the profession and to the drug trade. The Okay Specific of Pabst is a specific in the real acceptance of the word. * * * every just and sensible person will recognize the merits of this remedy. The many letters written by druggists from all parts of the country assure us in the frankest terms and without qualification that the Okay Specific is the only remedy which they recommend owing to the extraordinary cures which have been obtained in the most obstinate and complicated cases."

On January 25, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$500.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19358. Misbranding of O and O medicine. U. S. v. Fridolin Pabst (Pabst Chemical Co.). Plea of guilty. Fine, \$200. (F. & D. No. 23705. I. S. Nos. 13085-x, 13095-x.)

Investigation of the drug product O and O medicine involved in this action disclosed that the article would not produce certain curative and therapeutic effects claimed for it in the bottle and carton labels and in a booklet shipped with the said article.

On December 21, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, an information against Fridolin Pabst, trading as Pabst Chemical Co., Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, from the State of Illinois into the State of Utah, in part on or about August 24, 1927, and in part on or about November 14, 1927, of quantities of O and O medicine that was misbranded.

Analysis of a sample of O and O medicine by this department showed that the article consisted essentially of volatile oils, resins, alcohol, and water.

Misbranding of the article was charged in the information for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the said article, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective as a treatment for infected, inflamed, and discharging mucous membranes, and effective to relieve quickly and heal all soreness, especially in chronic conditions, and effective as a specific for infected, inflamed, and discharging mucous membranes and all soreness; and in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, contained in a booklet accompanying the article, falsely and fraudulently represented that it was effective as a complete relief for inflammation and soreness and as a preventive of disease, and as a treatment for chronic cases of gleet, and effective as a sure and good remedy for inflammation and soreness and disease and chronic cases of gleet; whereas the said article did not contain ingredients or medicinal agents effective for the said purposes.

On January 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19359. Misbranding of Keros. U. S. v. 70 Packages of Keros. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27235. I. S. No. 31280. S. No. 5389.)

Examination of a drug product, known as Keros, having shown that the circular accompanying the article contained statements representing that it possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the interstate shipment herein described, involving a quantity of the article.

On November 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 packages of Keros, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Continental Laboratories (Inc.), from New York, N. Y., on or about October 21, 1931, and had been transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid, carbonates, an organic acid, and a trace of oxyquinoline sulphate.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Prophylactic * * * It is highly recommended for the treatment of leucorrhea ('whites'), cervicitis, vaginitis, catarrhal inflammations and other vaginal conditions associated with disagreeable discharges, whether specific or not. * * * producing a complete as well as thorough antiseptis of the organ. * * * In leucorrhea, etc. * * * as a prophylactic against infection, specific or otherwise."

On January 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19360. Adulteration and misbranding of Glyco-tan-phene. U. S. v. 22 Bottles of Glyco-tan-phene. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27586. I. S. No. 44732. S. No. 5572.)

Examination of a drug product, known as Glyco-tan-phene, from the shipment herein described showed that the labeling bore statements representing that the article possessed antiseptic, curative, and therapeutic properties which in fact it did not possess.

On December 21, 1931, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 bottles of Glyco-tan-phene at Cincinnati, Ohio, consigned by the Hagedon Chemical Co., from Indianapolis, Ind., alleging that the article had been transported from the State of Indiana into the State of Ohio, on or about October 17, 1931, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of small proportions of phenol, tannin, and menthol, and glycerin and water, colored with a brown dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under its own standard of strength, to wit, antiseptic, when in truth and in fact the strength of said drug fell below such professed standard in that it was not antiseptic.

Misbranding was alleged for the reason that the statement on the label, "An Antiseptic," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Indicated in the treatment of Tonsillitis, Pharyngitis, Uvulitis, Pyorrhea, Sore and inflamed conditions of the Throat and Mouth."

On January 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19361. Misbranding of Phosphorcin. U. S. v. 3½ Dozen Bottles of Phosphorcin. Default decree of condemnation and destruction. (F. & D. No. 26202. I. S. No. 28254. S. No. 4480.)

Examination of the drug product Phosphorcin, involved in this action, showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the circular shipped with the said article.

On April 10, 1931, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three and one-third dozen bottles of Phosphorcin, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Elmer & Amend, from New York, N. Y., in part on or about November 15, 1930, and in part on or about January 23, 1931, and had been transported from the State of New York into the State

of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium glycerophosphate, sodium glycerophosphate, phosphoric acid, material derived from *nux vomica*, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Circular) "As a reconstructive tonic in all ailments of the nervous system; in Anemia, Chlorosis, Sexual Impotence and Debility, Phosphaturia, Athrepsia, Pellagra, Chronic Dyspepsia, Secondary Anemia, Menstrual Disturbances, Rachitis, Osteomalacia, General Debility * * * it is of exceptional value in Diabetes, Albuminuria, Chronic Nephritis and General Paralysis. * * * While a deficiency of phosphorus is manifested by different pathological conditions in different individuals, generally speaking, this lack is soon followed by interrupted growth, a lessening in healthy nutrition, and a diminution in the number of red cells in the blood, which leads to various conditions, such as anemia, chlorosis, metabolic diseases, and many other asthenic forms which accompany lowered resistance and impaired nutrition and growth. * * * Phosphorcin is an elementary phosphorus of high assimilability. * * * Phosphorcin supplies a scientific method of administering phosphorus in a form that will be quickly absorbed and properly assimilated by the body cells. * * * highly efficient one in the treatment of depressed conditions of the nervous system, as well as in the convalescent period following neurasthenia, influenza and other febrile diseases."

On June 5, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19362. Adulteration of ether. U. S. v. 40 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27056. I. S. No. 36873. S. No. 5303.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Alabama.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cans of ether, remaining in the original unbroken packages at Montgomery, Ala., consigned about September 22, 1931, alleging that the article had been shipped by the Mallinckrodt Chemical Works, from St. Louis, Mo., and had been transported from the State of Missouri into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia.

On December 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19363. Misbranding of Ward's roup and white diarrhoea remedy, Ward's medicated poultry tonic, Ward's kidney and backache pills, Ward's stock tonic, and Ward's kidney and bladder medicine. U. S. v. 3 Packages of Ward's Roup and White Diarrhoea Remedy, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 26290, 26291, 26292, 26293, 26294. I. S. Nos. 24557, 24558, 24559, 24560, 24561. S. No. 4572.)

Examination of the drug products involved in this action showed that the labels contained statements representing that the articles possessed curative the therapeutic properties which, in fact, they did not possess. The Ward's medicated poultry tonic failed to declare the presence of sodium sulphate in the statement of ingredients declared on the label; the labeling of the Ward's stock tonic contained unwarranted claims for the effectiveness of the article in increasing milk production and in fattening cattle.

On May 9, 1931, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3 packages of Ward's roup and white diarrhoea remedy, 9 packages of Ward's medicated poultry tonic, 3 packages of Ward's pills, 3 packages of Ward's stock tonic, and 3 bottles of Ward's kidney and bladder medicine, remaining in the original unbroken packages at Grand Haven, Mich., consigned by Dr. Ward's Medical Co., Winona, Minn., alleging that the article had been shipped from Winona, Minn., on or about March 14, 1931, and had been transported in interstate commerce from the State of Minnesota into the State of Michigan, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the roup and white diarrhoea remedy consisted essentially of boric acid (40 per cent), copper sulphate (40 per cent), and potassium permanganate (20 per cent); that the medicated poultry tonic consisted essentially of sulphur, sodium sulphate (4.6 per cent), charcoal, ground clam shells, ground plant material including red pepper, and a small proportion of iron sulphate; that the stock tonic consisted essentially of sulphur, sodium chloride, sodium sulphate, sodium bicarbonate, iron sulphate (4.5 per cent), charcoal, and ground plant material including fenugreek and red pepper; that the pills contained potassium nitrate (23 milligrams each), methylene blue (8 milligrams each), and extracts of plant drugs including such drugs as uva ursi, buchu, and juniper; that the kidney and bladder medicine contained sodium phosphate (11 per cent), sodium acetate (1.5 per cent), sodium benzoate (0.3 per cent), extracts of plant drugs including uva ursi and a laxative drug, flavoring material including vanillin and coumarin, glycerin, and water.

Misbranding of the said Ward's medicated poultry tonic was alleged in the libel for the reason that the statements, to wit, "This preparation contains the following ingredients: Gentian, Capsicum, Blood Flour, Clam Shells, Ginger, Sulphur, Shorts and Charcoal," borne on the label, were false and misleading when applied to a drug article containing as an ingredient sodium sulphate to the extent of approximately 4.6 per cent. Misbranding was alleged with respect to the said Ward's stock tonic for the reason that the statements appearing in the labeling, to wit, (circular) "Cows. For increasing the quantity and quality of milk," (carton) "Cows. For increasing the quantity and quality of milk * * * Cattle. To fatten cattle, feed about the same as for cows," were false and misleading, since the said statements represented to the purchaser that the article contained ingredients or a combination of ingredients capable of producing the effects claimed, whereas it did not. Misbranding was alleged with respect to all of the said products for the reason that the following statements, regarding the curative and therapeutic effects of the articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Ward's roup and white diarrhoea remedy) "Roup and White Diarrhoea Remedy * * * For Roup—Put two tablespoonfuls of Solution A into every gallon of drinking water. Remove all other water. To cure continue this drinking water until well. To prevent, give three days per week only. * * * For White Diarrhoea—Put 1½ teaspoonfuls of Solution A into every gallon of drinking water. Otherwise treat same as for Roup. For Cholera—This Remedy similarly used in drinking water has proven thoroughly effective;" (Ward's pills, wrapper) "Kidney & Backache Pills;" (Ward's pills, circular) "Kidney And Backache Pills. These pills will be found a remedy for Kidney Complaints and diseases arising from disorders of the Kidneys and Bladder. Quickly relieving Backache, Bladder Irritation, Congestion of the Kidneys, Lamé Back, Diabetes, Gravel, Lumbago, Non-retention of Urine, in fact most Urinary Troubles are overcome by a continued use of these Pills. Very happy results follow their use in Prostatic troubles. Old men will find them a true friend, and as healthy Kidneys are the true source of Pure Blood, these Pills should be taken for Rheumatism, Gouty Conditions, Pale And Sallow Complexion, Etc. Directions Take one pill three times daily after meals for Lumbago, Pain in the Back. If the urine is highly colored and scanty two pills three or four times a day will not be found too much. In all cases they should be taken with regularity, and treatment continued until the full effect of the remedy is obtained. * * * Follow

the Directions carefully to obtain the best results;" (Ward's medicated poultry tonic) "For producing strong, healthy poultry and increasing the production of eggs. * * * Ward's Poultry Tonic is offered for the cure and prevention of diseases in chickens, turkeys, ducks, geese, and all kinds of poultry. For increasing the production of eggs * * * which will chill their bodies and destroy the benefits of this Tonic. * * * In case of sickness with any of your fowls, separate them from the balance of the flock, put them in a warm place and follow directions for treatment. * * * Directions For purifying the blood, regulating the liver and digestive organs and for making fowls strong and active, mix one tablespoonful with regular feed for about fifteen fowls morning and night. For Making Hens Lay In Cold Weather—Mix one tablespoonful with wet food for twelve hens morning and night. In cold weather a measureful of corn, wheat, oats or barley * * * can be fed while warm to great advantage. For Promoting Growth of Young Chicks * * * mix a tablespoonful of Ward's Poultry Tonic with Johnny cake or rolled oats for twenty-five chicks once a day. The quantity should be increased as the chicks grow. This will produce quick growth and vigorous health. For Fattening Chicks—Mix from two to three tablespoonfuls of Ward's Poultry Tonic with cornmeal or cracked corn for twelve fowls twice a day;" (Ward's stock tonic, inclosure) "Horses. Horses in good condition, one to two tablespoonfuls per day. For epizootic, liver troubles, distemper, coughs, hide bound, roughness of hair, loss of appetite and impurity of blood give one tablespoonful in the morning and two at night. * * * Cows. * * * for toning up the system and preventing diseases, a tablespoonful should be given night and morning. If in poor condition the dose should be doubled. * * * To fatten cattle, feed about the same as for cows. The object of Ward's Stock Tonic is to keep the stock in a good healthy condition, * * * Sheep. To increase flesh and wool give about one-fourth as much as for cattle. Hogs. If in good condition give a tablespoonful once a day with slop or dry food for two hogs, for developing rapid growth the dose should be increased to two tablespoonfuls. When affected with disease mix the tonic with ground feed which has been stirred up in hot water. * * * Suckling Sows. One tablespoonful two or three times a day to keep them strong and to raise strong and healthy pigs. Pigs. For prevention of disease and for insuring rapid growth one tablespoonful should be given to six pigs two or three times per day;" (Ward's stock tonic, carton) "Ward's Stock Tonic * * * having a strengthening and regulating influence on the bowels, stomach, kidneys, and liver. For aiding digestion and prompting assimilation. * * * for preventing ordinary ailments in cattle, horses, hogs and sheep. * * * Horses * * * for epizootic, liver troubles, distemper, hide bound, roughness of hair, loss of appetite, and impurity of blood give one tablespoonful in the morning and two at night. * * * Cows. * * * for toning up the system and preventing disease, a tablespoonful should be given morning and night. If in poor condition the dose should be doubled. Cattle. * * * The object of Ward's Stock Tonic is to keep the stock in good healthy condition, * * * Hogs. For hogs in good condition give a tablespoonful once a day with slop or dry food for two hogs, for developing rapid growth the dose should be increased to two tablespoonfuls. * * * Suckling Sows. One tablespoonful two or three times a day to keep them strong, and to raise strong and healthy pigs. Pigs. For prevention of ordinary ailments and for insuring rapid growth, one tablespoonful should be given to six pigs two or three times per day;" (Ward's kidney and bladder medicine, bottle label) "Kidney And Bladder Medicine [sketch of kidneys] For Inflammation of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders and for various Urinary Irregularities;" (Ward's kidney and bladder medicine, circular) "Kidney and Bladder Medicine A Most Successful Medicine For Kidney, Bladder, And Urinary Disorders, For Inflammation Of Kidneys And Bladder, For Backache And Rheumatism Due To Kidney Disorders And For Various Urinary Irregularities The Kidneys are the filters of the blood—when healthy they remove poisonous waste as fast as it forms—when diseased these poisons remain in the blood and system to the extent of their inability to eradicate these poisons. Such being the conditions, you should not delay in recognizing the indication which suggests the weak and diseased Kidneys. Don't let this virulent matter poison your whole system. Deep steady pains in the small of the back.

Scanty, highly colored urine perhaps carrying blood, albumen or pus. Nausea, vomiting, frequent and burning desire to urinate which produces feeling of exhaustion. These symptoms show that the kidneys are diseased and the bladder affected. Ward's Kidney and Bladder Medicine acts quickly and directly. * * * Directions Take one teaspoonful of Ward's Kidney And Bladder Medicine every three hours in one-half glass of hot water. * * * [testimonial] 'I want to recommend your Bladder and Kidney Remedy, and I feel like I can't say enough for it. When I had the Influenza last Winter I was left with a lame and crippled back. I could hardly straighten up. I also was left with Kidney trouble and loss of appetite. I tried many different kinds of tonics, but none seemed to take the place of Ward's Kidney and Bladder Remedy. Since I began taking it I can walk straight, have a good appetite and go to bed without having to get up in the night. Again I want to say I can not say enough for Ward's Bladder and Kidney Remedy after suffering so long without it.'

On September 18, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19364. Adulteration and misbranding of Ergotole. U. S. v. One Hundred and Thirty-eight 1-Ounce Bottles of Ergotole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27259. I. S. Nos. 42102, 42103. S. No. 5433.)

Examination of the drug product Ergotole from the shipments herein described showed that its ergot potency was less than one-third of the standard claimed in the labeling and that it would not produce certain curative and therapeutic effects claimed.

On November 21, 1931, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred and thirty-eight 1-ounces bottles of Ergotole, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Baltimore, Md., in part on or about October 6, 1931, and in part on or about October 16, 1931, and had been transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that it was sold under the following standard of strength, (circular) "Ergotole is a liquid extract of Ergot of Rye, containing the oxytocic constituents of the drug * * * Ergotole is biologically assayed by the cock's comb method, and standardized to the same potency as the Fluidextract of Ergot," (carton and bottle label) "Ergotole * * * A Purified Liquid Preparation of Selected Ergot of Rye," whereas the strength of the article fell below such professed standard. Misbranding of the article was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton and bottle label) "Ergotole * * * A Purified Liquid Preparation of Selected Ergot of Rye;" (circular) "Ergotole is a liquid extract of Ergot of Rye, containing the oxytocic constituents of the drug. * * * Ergotole is biologically assayed by the cock's comb method, and standardized to the same potency as the Fluidextract of Ergot. The chief use for Ergotole is to excite uterine contraction * * * It is therefore indicated for use in the third stage of labor. * * * Ergotole may be administered orally or hypodermically. The suggested average dose for hypodermic administration is ten minims, and for oral administration thirty minims." Misbranding was alleged for the further reason that the following statement appearing in the circular was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "The chief use for Ergotole is * * * to check uterine hemorrhage."

On February 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19365. Adulteration and misbranding of Sozodont liquid. U. S. v. 106 Packages of Sozodont Liquid. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26463. I. S. No. 22131. S. No. 4709.)

The labeling of the Sozodont liquid involved in this action contained representations that the article possessed curative and therapeutic properties which examination showed it did not possess. The article was also represented to be antiseptic, whereas it was not.

On June 3, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 106 packages of Sozodont liquid, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in part by the Block Drug Co., from Brooklyn, N. Y., on or about November 29, 1931 (1930), and in part by Hall & Ruckel (Inc.), on or about January 17, 1931, and that it had been transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of borax, soap, small proportions of flavoring material including menthol and methyl salicylate, glycerin, alcohol (24.2 per cent by volume), and water, colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Antiseptic," whereas the strength of the article fell below such professed standard, in that it was not antiseptic.

Misbranding was alleged for the reason that the statement "Antiseptic," appearing on the carton and bottle labels, was false and misleading. Misbranding was alleged for the further reason that the statements on the carton, "Sozodont Liquid is a good medium for use in massaging the gums. The gums should be thoroughly massaged to reduce the chances of pyorrhea," were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19366. Misbranding of Capillaris-X. U. S. v. 299½ Dozen Packages of Capillaris-X. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27407. I. S. No. 38989. S. No. 5578.)

Examination of a drug product, known as Capillaris-X, from the shipment herein described having shown that the labeling represented that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 299½ dozen packages of Capillaris-X, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Capillaris Manufacturing Co., from Montclair, N. J., on or about November 7, 1931, and had been transported from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum base containing ammoniated mercury and boric acid.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Scalp and Skin Diseases;" (label) "For skin troubles, scalp diseases, humors, eruptions, * * * Should be used at the first indi-

cation of any skin disturbance. Do not wait until the eruption is troublesome; apply Capillaris at once, according to the directions. * * * For Eczema, Salt Rheum, Psoriasis, Scalp and Skin Diseases, Erysipelas, Carbuncles, Boils * * * For Baby Humors, Pimples, Blackheads, * * * Pustules, * * * For dandruff, brittle and falling hair;" (circular) "For Eczema, Skin and Scalp Diseases * * * in the treatment of all kinds of skin and scalp diseases * * * Skin troubles, dandruff, falling hair * * * yield readily to Capillaris-X * * * For Scalp Diseases, Falling Hair, Dandruff * * * For mild forms of Skin Diseases * * * Pimples, Eruptions of Face; * * * For Scald Head * * * Not only does Capillaris-X aid in the treatment of Dandruff, Skin and Scalp Diseases, it also is very beneficial in the treatment of * * * Eczema, Salt Rheum, * * * Pimples, Face Blotches * * * Scalp Eruptions, etc. Capillaris-X Saves the Hair. This wonderful skin food * * * feeds the hair roots, * * * insures hair health."

On March 16, 1932, the Capillaris Manufacturing Co., Glen Ridge, N. J., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or the laws of any State, Territory, district, or insular possession. It was further ordered by the court that the product be relabeled in manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19367. Misbranding of Gly-Cas. U. S. v. 70 Packages of Gly-Cas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27573. I. S. No. 36774. S. No. 5581.)

Examination of a drug product, known as Gly-Cas, from the shipment herein described having shown that the labeling bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On December 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 packages of Gly-Cas at Cincinnati, Ohio, alleging that the article had been shipped by the Glycas Medicine Co., from Indianapolis, Ind., on or about October 17, 1931, and had been transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of capsules containing extracts of plant drugs, including aloe, and a small proportion of an iron compound.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box) "Rheumatism, Nervousness, Blood * * * Rheumatism;" (circular) "Our Health depends mostly upon the proper functions of the organs of the body. Any departure from their normal functions bring disorder and disease, such as Rheumatism. The symptoms are pains in the joints of body and limbs, soreness and jerky quivering muscles, sometimes one or two degrees of fever caused by too much acid in the blood; constipation, liver trouble, biliousness. The function of the liver is to prepare and secrete bile. The bile is carried from the liver into the intestines. If the liver becomes deranged the bile is absorbed in the blood, diffusing every part of the body, causing headaches, vomiting and other bilious affections. Gly-Cas works like magic in relieving liver complaints, stomach trouble, indigestion, gastric catarrh. More people are suffering from diseases of the stomach than you can realize. The person who has not the pleasure of enjoying wholesome home cooked meals but has to depend for their meals any place they can purchase them will sooner or later be a sufferer from some sort of stomach trouble. The symptoms are loss of appetite, at times disgust for food, coated tongues, bad taste, breath bad and at times vomiting caused by biliousness. Gly-Cas will soon regulate these troubles. * * * It acts directly on the liver, stomach and blood. * * * Every family should have them as they are a

great preventative against any diseases. * * * It saves you worry and big doctor bills. Gly-Cas is always the same but the conditions of your system may be different at times. Therefore it requires your better judgment to obtain the best results. Remember if you are troubled with Rheumatism, * * * Neuritis, Lumbago, Stomach, Liver or Blood Disorder, Gly-Cas is what you need. It will eliminate all your troubles in a very short time. * * * it acts specifically on all above mentioned ailments."

On January 27, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19368. Misbranding of Stomach-Rite and Uri-Tox. U. S. v. 147 Packages of Stomach-Rite, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27280, 27281. I. S. Nos. 38933, 38934. S. No. 5393.)

Examination of drug products, known as Stomach-Rite and Uri-Tox, respectively, from the shipments herein described having shown that the labeling bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On November 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 147 packages of Stomach-Rite and 13 packages of Uri-Tox, remaining in the original unbroken packages at Boston, Mass., alleging that the articles had been shipped by Dr. John Wilbur, Daughter Co. (Inc.), from Westerly, R. I., in various consignments on or about June 8, 1931, October 8, 1931, and October 15, 1931, and had been transported from the State of Rhode Island into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Stomach-Rite consisted of white tablets containing in each: 0.5 gram of calcium carbonate, 0.1 gram of sodium bicarbonate, starch, and sugar, and pink tablets containing capsicum and laxative drugs such as aloin and podophyllum extract; and that the Uri-Tox contained ferrous carbonate (0.1 gram per pill), quinine (6 milligrams per pill), strychnine, and ginger.

Misbranding of the articles was alleged for the reason that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Stomach-Rite, carton) "Stomach-Rite * * * For Dyspepsia and Stomach Troubles * * * Highly recommended for disordered conditions of the Stomach, Liver and Intestines. * * * bad breath, * * * stomach cough, * * * headache;" (envelope contained in retail package of Stomach-Rite) "For habitual constipation;" (circular accompanying Stomach-Rite) "Stomach-Rite * * * Medicine for Indigestion * * * Headache, * * * Billiousness, Catarrh of Stomach, Nervous Indigestion, Acidity, Dyspepsia, Torpid Liver, Intestinal Indigestion, Acute Indigestion, Dizziness, Distress after eating or drinking, Heart Pressure, Bloating, * * * Chronic Appendicitis, and all forms of Stomach, Liver and Intestinal Trouble. * * * Take no chance when your Health is at stake. * * * Directions: Take one or two of the large white tablets * * * at any time when in distress—* * * The Stomach-Rite prescription consists of the large white tablets and the little red tablets—Both Are Needed and it is most important that Both should be used in the treatment. Do not expect the occasional use of any medicine to conquer Indigestion or Constipation. When the digestive powers of those entering middle life and the elderly 'slow down,' you should use Stomach-Rite constantly, persistently, daily, even though you feel no direct or apparent need. Stomach-Rite invigorates the whole intestinal tract and you will experience greater powers of endurance with a healthy stomach, active liver and clean intestines. * * * Indigestion and Constipation are the most dangerous of all chronic conditions because they lower your powers of resistance and are directly the prolific cause of many other diseases. The theory of Dr. John Wilbur and his father, Dr. William H. Wilbur, to 'treat the digestive organs and the entire body will restore itself to health' will prove

true in your case. Keep Stomach-Rite in the house and use it constantly, according to directions, if you would live long and keep well. There is no secret about it, good digestion and thorough elimination do prolong your life. * * * Rite-Lax is a laxative of unusual merit and possesses qualities not found in any other laxative. It tones, strengthens and restores the muscular action of the whole intestinal tract, upon which all elimination depends. Rite-Lax is not a purge, but is an intestinal tonic and stimulant, inducing a natural action of the bowels and overcoming constipation in a gentle, thorough manner, leaving no aftermath of waste products to remain and produce germs and bacterial poisons. We recommend the daily use of Rite-Lax as a perfect laxative for the habitually constipated. * * * Defeating Your Age By Doctor's Daughter. Thirty-seven years have been added to the average lifetime in the last forty years, seven of which have been gained in the last twelve years. Professor Fisher of Yale says 'We shall become octogenarians by the end of this century.' Thomas Edison sees 'The 200 year old man.' Dr. Charles Mayo, the world's most famous surgeon declares it possible for anyone 'to reach 100 years of age gracefully.' This wearing out of the human body is unnecessary and avoidable. Many women, whose health has been carefully guarded, are magnetic and beautiful at fifty and past! Old age is simply a chronic disease allowed to progress, chronic indigestion—chronic constipation, * * * fermented food passes on into the intestines, a bacterial poison is formed which, in turn, is thrown into the blood stream to cause auto-intoxication, high blood pressure, hardening of the arteries, paralysis, nervous break-downs, rheumatism, heart diseases and premature old age. When we protect our bodies against the hard wear and tear of indigestion and constipation, we are protecting ourselves against many other diseases and extending our years. * * * The continual taking of crude baking soda and many unknown hit or miss preparations of uncertain origin, violent 'quick acting' physics, and purges (so harsh as to irritate the delicate walls of the stomach and intestines to the point of ulceration) is injurious. Don't expect by these methods to cure stomach trouble and overcome indigestion. I have seen X-Ray pictures of dropped stomachs and sagging intestines literally forced 'down and out' so to speak by drinking drastic, forcing purges until all tone and muscular action was gone. * * * The remedy you use should be scientific enough in its action to produce its own natural lubricity. Machinery may need oil, but you are human. * * * Don't make the mistake of thinking that poor health is the natural heritage of advancing years. Many men and women of fifty and past not only look young—they are young. Through good digestion and thorough elimination you can maintain vitality and youth through your middle years and well into your later years. Refuse to hurry through life—delay its pleasures full measure to the very end. Give nature a chance and those old abused stomachs that groan, grumble and rebel, intestines that refuse to act but are fertile breeding grounds for living germs, can again do great work. Do not expect the occasional use of a medicine to conquer indigestion and constipation, use it constantly, daily, according to directions, if you would obtain full benefit. One-fourth of your blood is in the liver at all times. Sluggish liver and poor circulation go hand in hand. The liver also stores up bile, helps to make new blood and controls your blood pressure. Gall stones are also the result of torpid liver and indigestion. So you see how important it is that the stomach remedy you use acts on both the stomach and the liver, if you hope to obtain lasting and satisfactory results. You cannot dissolve gall stones, but you can prevent the further formation of them. * * * Nourish the body, keep it clean of internal poisons and there seems to be no reason why we cannot prolong life far beyond its ordinary term. * * * Nature fails us many times unless aided, but from the labors of the centuries comes perfected, scientific medicine. It has been given us to use to save life, to prolong life. Nothing has ever taken its place—nothing ever will. Don't ignore those little symptoms of Indigestion * * * Headache * * * Billiousness etc., or some day they may become a big disease—incurable. Get the genuine Stomach-Rite * * * Insist on Stomach-Rite that you may receive the benefits others have received;" (Uri-Tox, carton) "Uri-Tox * * * Restorative * * * Blood Builder. * * *

This medicine will be found of great value in nervous exhaustion and where a general building up of the system is required after a severe illness, such as Grippe, Pneumonia, Fevers, Catarrhal conditions, Rheumatism, Neuritis and Neuralgia. * * * Directions: One tablet after each meal. * * * to build up the blood, relieve nervous disorders and nourish the system;" (circular

accompanying Uri-Tox) "Uri-Tox * * * Builds you up and makes you strong. * * * Uri-Tox, which is a Blood Builder of unusual merit, a perfect Nerve Tonic and Restorative for the delicate, feeble and aged. * * * The blood gets thin and depreciates with age, and when below normal every tissue in your body suffers. Uri-Tox will do all you can expect of a scientific, reliable Blood Builder and Nerve Tonic * * *. Uri-Tox will be found most valuable in catarrh, weak heart, poor blood, anaemia, sleeplessness, nervousness, irritable disposition, shortness of breath, chills or hot flashes, pains in back, rheumatism, poor circulation, pimples, loss of appetite, neuralgia, hair thin or falling out, or any condition arising from poor blood. * * * When in a run-down condition a good tonic should be used. It does wonders by enriching the blood and nourishing the nerves. Its value cannot be over estimated. Good blood also adds great beauty by clearing a poor skin."

On December 29, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19369. Misbranding of Pabst's Okay specific. U. S. v. 29 Bottles of Pabst's Okay Specific. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26919. I. S. No. 36901. S. No. 5100.)

Examination of the drug product Pabst's Okay specific showed that the bottle label and wrapper and circulars accompanying the article contained statements representing that it possessed curative and therapeutic properties which in fact it did not possess.

On or about September 1, 1931, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 bottles of the said Pabst's Okay specific, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by the Pabst Chemical Co., Chicago, Ill., on or about March 2, 1931, and had been transported from the State of Illinois into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of copaiba, cubeb oleoresin, extracts of plant drugs including buchu and uva ursi, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements, appearing on the bottle label and wrapper and in the circulars shipped with the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "O. K. Okay Specific;" (wrapper) "O. K. Okay Specific * * * Take It And You Will Not Be Disappointed * * * Absolutely Safe;" (small circular entitled "The Okay Tonic") "Men * * * who had just completed a treatment with our Okay Specific and felt the need of just such a medicine to overcome the after-effects of acute infections. * * * these patients, * * * following a siege of debilitating sickness. * * * 'Tonic' is not to be taken at the same time you take the 'Okay Specific.' When you are through with the treatment for Gonorrhoea and Gleet, then we would advise you to take some of our 'Okay Tonic.' * * * It has a soothing effect on the * * * organs that were affected by your recent illness. * * * Do not confuse the Okay Tonic With the Okay Specific. It is not to be taken instead of the Okay Specific, but as an After Treatment. When you have been cured of the Gonorrhoea, then use The Okay Tonic. [Similar statements in several foreign languages];" (large circular entitled "Pabst's Okay Specific") "Take the medicine regularly in full doses without interrupting the treatment until satisfactory results have been obtained; continue taking the medicine for fifteen days after all outward signs have disappeared. * * * Chronic Cases Pabst's Okay Specific is especially beneficial in chronic cases. These cases, which are usually of long standing, * * * generally disappear after using the Okay Specific. Of course, it must not be expected that a case of many years' standing will disappear after taking one bottle of the medicine; very old cases may require more time and longer treatment, and several bottles, sometimes four or five of the medicine may have to be taken before satisfactory results are obtained. * * * the case is one of long standing, continue for ten to fifteen days with full doses after all outward signs have disappeared, and then ten to fifteen days more in

gradually diminished doses. [Similar statements in several foreign languages]."

On October 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19370. Misbranding of San-Cura ointment. U. S. v. 68 Packages of San-Cura Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27371. I. S. No. 39388. S. No. 5539.)

Examination of the drug product San-Cura ointment involved in this action showed that the carton and tin labels, and a circular accompanying the article, bore statements representing that it possessed curative and therapeutic properties which in fact it did not possess. The article was also represented to be antiseptic, whereas it was not.

On December 14, 1931, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 packages of San-Cura ointment, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Thompson Medical Co., Titusville, Pa., alleging that the article had been shipped from Titusville, Pa., on October 24, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum base containing small proportions of phenol and camphor. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular shipped with the said article were false and misleading: "The wonderful Antiseptic, * * * Ointment * * * Its Antiseptic properties." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Sores, Wounds, * * * Pimples, Boils and Itching Piles. * * * A Soothing Application For * * * Sores, Wounds, * * * Nasal Catarrh, * * * Chilblains, Toothache, * * * Boils, Sore Nipples, Itching Piles, * * * Pimples;" (package) "Directions * * * Wounds, etc. * * * For Piles * * * Chilblains;" (circular) "For the Speedy Relief from the Pain and Discomfort of * * * Sores, Piles and Eczema * * * Its Antiseptic properties help prevent infection which so often results from a neglected Burn, Cut, Sore or Minor Wound. * * * 'For twenty years I suffered with bleeding itching piles. Two years ago I used a 60¢ jar of San-Cura Ointment. I have not been troubled since.' * * * 'I shall always be a staunch supporter of San-Cura Ointment for I believe it saved my little girl from having Blood Poisoning.' * * * 'It is the only salve that can get which will relieve "Impetigo," a troublesome Skin Disease.' * * * Catarrh."

On December 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19371. Misbranding of Takara hygienic powder. U. S. v. 54 Dozen Cans, et al., of Takara Hygienic Powder. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26937. I. S. No. 26. S. No. 5144.)

Examination of the drug product Takara hygienic powder showed that a booklet shipped with the article contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. The article was also represented to be a germicide, whereas it was not germicidal when used in the dilutions recommended.

On or about September 3, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 dozen 75-cent and 18 dozen \$1.50 cans of Takara hygienic powder, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Takara

Laboratories, from Portland, Oreg., in various consignments, on or about July 2, July 23, July 28, and August 7, 1931, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid, ammonia alum, phenol, and a trace of menthol. Bacteriological examination showed that the article was not antiseptic in the dilutions recommended for use.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the booklet accompanying the article, "A * * * germicidal douche * * * That is why Takara has proved so popular," were false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the booklet, regarding the curative or therapeutic effects of the said article, were false and fraudulent: "The intelligence of the modern woman is saving her untold hours of suffering. An understanding of personal hygiene has taken the place of false modesty. Peace of mind has supplanted uncertainty and Takara with its many uses, its Safeness, its certainty has done much to bring this about. Health, Happiness, Takara is daily bringing health and happiness to thousands of women * * * Women whose health has been impaired find refreshment in the use of Takara. They find it a hygienic powder that does more than alleviate feminine disorders. It corrects them gently and safely. Daily use of Takara * * * possible for the busiest woman to provide herself with this safe hygienic protection; a daily protection that means as much to her health as care of the teeth * * * to miss even one Takara treatment is to lose part of the gain made * * * Takara is a remedy so precautionary, safe and healing * * * Common Sore Throat. Gargle throat every two or three hours * * * Skin Irritations * * * To allay itching and inflammation bathe affected parts."

On September 16, 1931, Raymond E. Taylor, owner of Takara Laboratories, Portland, Oreg., having appeared as claimant for the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that the pamphlet containing the objectionable statements be removed from the packages, and that the article should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19372. Misbranding of Nau's dyspeptic relief. U. S. v. Frank Nau (Inc.). Plea of guilty. Fine, \$150. (F. & D. No. 25736. I. S. Nos. 201, 06380, 018560.)

Investigation of the composition and labeling of the drug product, Nau's dyspeptic relief, showed that the article would not be effective as a relief and remedy for various ailments for which it was recommended.

On July 16, 1931, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Frank Nau (Inc.), a corporation, Portland, Oreg., alleging shipment by said company, in violation of the food and drugs act as amended, on or about October 17, 1928 and July 21, 1930, from the State of Oregon into the State of California, and on or about March 15, 1930, from the State of Oregon into the State of Utah, of quantities of Nau's dyspeptic relief, which was misbranded.

Analysis of a sample of the article by this department showed that the liquid consisted essentially of extracts of plant drugs such as berberis and glycyrrhiza, glycerin, alcohol, and water; and the tablets contained bismuth subnitrate, traces of ginger, peppermint oil, and sugars.

It was alleged in the information that the article was misbranded in that the statements, designs, and devices regarding the curative and therapeutic effects of the said article, appearing on the bottle, box, and carton labels, falsely and fraudulently represented that it was effective as a relief and remedy for dyspepsia, stomach troubles, indigestion, dilatation and catarrh of the stomach, distress after eating, returning of food into mouth, gnawing at pit of stomach, coated tongue, headache, dizziness, whereas the said article contained no ingredients or medicinal agents effective as a relief or remedy for the said ailments.

On February 27, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19373. Adulteration and misbranding of solution of magnesium citrate (solution citrate of magnesia). U. S. v. Sterling Magnesia Co. (Inc.). Plea of not guilty. Judgment of guilty. Fine, \$100 and costs. (F. & D. No. 25037. I S. Nos. 05302, 08360, 08364.)

This action involved three interstate shipments of solution citrate of magnesia, a product recognized in the United States Pharmacopoeia. The law requires that an article sold by a name recognized in the pharmacopoeia conform to the standard of strength and quality provided by the said pharmacopoeia official at the time of investigation; or that if it differs therefrom, its own standard of quality and strength be declared upon the label. The article did not conform to the pharmacopoeial standard for strength, being deficient in magnesium oxide and citric acid, two of the essential ingredients; its own standard was not declared, since it was labeled "U. S. P. IX," its strength and quality fell below the requirements of the ninth revision of the pharmacopoeia; and portions labeled as containing 25 per cent less citric acid than the amount required by the pharmacopoeia, tenth (latest) revision, contained materially less citric acid than represented. The contents of the bottles, when measured, proved to be less than the volume declared on the labels.

On May 19, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Sterling Magnesia Co. (Inc.), Chicago, Ill., alleging shipment by said company in violation of the food and drugs act, in various consignments on or about September 8, 1928, May 15, 1929, and June 12, 1929, from the State of Illinois into the State of Wisconsin, of quantities of solution citrate of magnesia that was adulterated and misbranded. A portion of the article was labeled in part: "Rex Brand Eff. Solution Citrate of Magnesia." A portion was labeled, "Effervescent Solution of Citrate of Magnesia U. S. P. IX," also "Solution Citrate of Magnesia S. M. Co. U. S. P.," both statements appearing on the same label. On the bottle caps or crowns of all shipments appeared the statements: "Cont. Approx. 11½ Fl. Oz. Solution Citrate of Magnesia U. S. P. IX." In two shipments of the article stickers had been placed on the bottle bearing the following: "Not a United States Pharmacopoeia, Tenth Revision article; contains approx. 25% less citric acid to make it more palatable."

Adulteration was alleged in the information with respect to the product involved in one consignment for the reason that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, since it contained magnesium citrate corresponding to less than 1.5 grams of magnesium oxide per 100 cubic centimeters, acidity corresponding to less than 9.5 cubic centimeters of half-normal sodium hydroxide per 10 cubic centimeters, and total citric acid corresponding to less than 28 cubic centimeters of half-normal sulphuric acid per 10 cubic centimeters, whereas the said pharmacopoeia provided that solution of magnesium citrate (or solution citrate of magnesia, or magnesium citrate or citrate of magnesia, different designations for the same product) should contain in each 100 cubic centimeters magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide; that it should contain acidity corresponding to not less than 9.5 cubic centimeters of half-normal sodium hydroxide per 10 cubic centimeters and should contain total citric acid corresponding to not less than 28 cubic centimeters of half-normal sulphuric acid per 10 cubic centimeters, and the standard of the strength, quality, and purity of the said article was not declared on the container thereof. Adulteration was alleged with respect to the product involved in the said consignment for the further reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be solution citrate of magnesia which conformed to the standard laid down in the ninth revision of the pharmacopoeia, whereas it did not so conform since the said ninth revision provided that solution of magnesium citrate should contain magnesium citrate corresponding to not less than 1.5 grams of magnesium oxide per 100 cubic centimeters and total citric acid corresponding to 33 grams of citric acid per 350 cubic centimeters, whereas the article contained magnesium citrate corresponding to less than 1.5 grams of magnesium oxide per 100 cubic centimeters and total citric acid corresponding to less than 33 grams of citric acid per 350 cubic centimeters. Adulteration was alleged with respect to the product involved in the remaining two consignments

for the reason that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation and its own standard of strength, quality, and purity was not declared on the container; for the further reason that it fell below the professed standard and quality under which it was sold in that it was represented to be solution citrate of magnesia which conformed to the standard laid down in the United States Pharmacopoeia official at the time of investigation, it was represented to conform to the standard laid down in the ninth revision of the said pharmacopoeia, and it was represented to contain approximately 25 per cent less citric acid than prescribed by the tenth (latest) revision of the pharmacopoeia, whereas it did not conform to the standard laid down in the pharmacopoeia official at the time of investigation, it did not conform to the standard laid down in the ninth revision and it contained less citric acid than represented, i. e., the two consignments which were labeled as containing approximately 25 per cent less citric acid than prescribed by the tenth revision of the pharmacopoeia containing 32.3 per cent and 33.4 per cent less citric acid than prescribed by the tenth revision.

Misbranding was alleged with respect to the product involved in one consignment of the article for the reason that the statements, "Solution Citrate of Magnesia U. S. P. IX" and "Cont. Approx. 11½ Fl. Oz.," borne on the label, were false and misleading since the article did not conform to the standard laid down in the United States Pharmacopoeia, ninth revision, and the bottles contained less than 11½ ounces of the article. Misbranding was alleged with respect to the product involved in the remaining two consignments for the reason that the statements, "Solution Citrate of Magnesia," on the label of one of the said consignments and the statement, "Solution Citrate of Magnesia U. S. P.," on the label of the other of the said consignments and the statements, "Solution Citrate of Magnesia U. S. P. IX," "Not a United States Pharmacopoeia Tenth Revision article contains approx. 25% less citric acid," and "Contains 11½ Fl. Oz.," on the labels of both of the said consignments were false and misleading, since the article did not conform to the standard laid down in the United States Pharmacopoeia official at the time of investigation; it did not conform to the standard laid down in the ninth revision of the said pharmacopoeia, it contained less citric acid than represented, and the bottles contained less than 11½ fluid ounces of the article.

On January 25, 1932, a plea of not guilty having been entered on behalf of the defendant company, the facts were submitted to the court who made a finding of guilty and imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19374. Adulteration and misbranding of Acco-balm. U. S. v. 55 Large Packages, et al., of Acco-balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26466. I. S. No. 30516. S. No. 4726.)

Examination of the drug product Acco-balm having shown that the article was represented to be antiseptic, whereas it was not, also that the labeling contained unwarranted curative and therapeutic claims, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 55 large packages and 40 small packages of the said Acco-balm, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the A. C. Clark Co. (Inc.), from Brattleboro, Vt., in part on or about April 18, 1931, and in part on or about May 12, 1931, and had been transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of zinc oxide, boric acid, and a trace of an essential oil incorporated in a petrolatum base. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, namely, antiseptic, and its strength fell below such professed standard, since it was not antiseptic.

Misbranding was alleged for the reason that the statement on the can label, "Anti-Septic," was false and misleading when applied to an article that was not antiseptic. Misbranding was alleged for the further reason that the statement on the can label, "For Injuries and Ailments," and on the carton, "Is a general curative," were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19375. Adulteration and misbranding of morphine sulphate, caffeine, and sodium benzoate, iron arsenite, nitroglycerin, strychnine sulphate, cocaine hydrochloride, ergot, procaine and epinephrine carpules. U. S. v. Cook Laboratories (Inc.). Plea of guilty. Fine, \$750. (F. & D. No. 22557. I. S. Nos. 15059-x, 15067-x, 15069-x, 15071-x, 15072-x, 15076-x, 15078-x, 15081-x, 15084-x.)

This action involved 10 lots of various drugs in carpules (or ampuls), the drugs consisting of 2 lots of morphine sulphate, 2 lots of nitroglycerin, and 1 lot each of caffeine and sodium benzoate, iron arsenite, strychnine sulphate, cocaine hydrochloride, ergot, and procaine and epinephrine. Such drugs are usually intended for hypodermic, intravenous, or muscular injection. In each instance the carpules were found to contain a smaller amount of the therapeutic agent, or agents, than declared on the label.

On September 10, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Cook Laboratories (Inc.), a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, from the State of Illinois into the State of Louisiana, in part on or about November 29, 1926, and in part on or about December 13, 1926, of quantities of drugs that were adulterated and misbranded. The articles were labeled in part: "Cook Laboratories, Inc., Chicago, U. S. A." The labels of the articles contained further statements, the pertinent portions of which are set forth hereinafter.

Adulteration of the said drugs was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the carpules in two lots of the said drugs was represented to contain 0.016 gram (one-quarter of a grain) of morphine sulphate and 0.032 gram (one-half of a grain) of morphine sulphate, respectively, whereas each of them contained less than represented, the former containing not more than 0.0137 gram, i. e., approximately one-fifth of a grain, and the latter containing not more than 0.02595 gram, i. e., approximately two-fifths of a grain, of morphine sulphate; each of the carpules in one lot was represented to contain 0.49 gram (7½ grains) of caffeine and sodium benzoate, whereas each of them contained not more than 0.4123 gram, i. e., approximately 6.363 grains, of caffeine and sodium benzoate; each of the carpules in one lot was represented to contain 0.032 gram (one-half of a grain) of soluble iron arsenite, equivalent to 0.005 gram (one-twelfth of a grain) of metallic iron, and 0.00045 gram (one one-hundred-and-fortieth of a grain) of arsenious acid, whereas each of them contained the equivalent of not more than 0.000243 gram, i. e., approximately one two-hundred-and-sixty-fifth of a grain, of arsenious acid; each of the carpules in two lots was represented to contain 0.0013 gram (one-fiftieth of a grain) of nitroglycerin and 0.00065 gram (one one-hundredth of a grain) of nitroglycerin, respectively, whereas each of the former contained not more than 0.000206 gram, i. e., approximately one three-hundred-and-fifteenth of a grain, of nitroglycerin and each of the latter contained not more than 0.0001874 gram, i. e., one three-hundred-and-forty-fifth of a grain, of nitroglycerin, each of the carpules in one lot was represented to contain 0.002 gram (one-thirtieth of a grain), of strychnine sulphate, whereas each of them contained not more than 0.000754 gram, i. e., approximately one eighty-fifth of a grain, of strychnine sulphate; each of the carpules in one lot was represented to contain 0.016 gram (one-fourth of a grain) of cocaine hydrochloride, whereas each of them contained not more than 0.0119 gram, i. e., approximately three-sixteenths of a grain, of cocaine hydrochloride; each of the carpules in one lot was represented to contain 2 grams (31 grains) of ergot, whereas each of them contained not more than 0.5 gram, i. e., approxi-

mately 7.7 grains of ergot; and each of the carpules in one lot was represented to contain 0.022 gram (one-third of a grain) of procaine and 0.00005 gram (one twelve-hundredth of a grain) of epinephrine, whereas each of them contained not more than 0.0175 gram, i. e., approximately four-fifteenths of a grain of procaine and not more than 0.0000025 gram, i. e., approximately one twenty-six thousandth of a grain of epinephrine.

Misbranding was alleged for the reason that the following statements appearing in the label of the respective products were false and misleading, since the carpules contained, in each instance, a smaller quantity of the declared drug than represented: "Carpule Morphine Sulphate 0.016 Gm. ($\frac{1}{4}$ Gr.);" "Carpule Caffein and Sodium Benzoate 0.49 Gm. ($7\frac{1}{2}$ Gr.);" "Carpule' contains 0.032 Gm. ($\frac{1}{2}$ gr.) soluble Iron Arsenite, equivalent to 0.005 Gm. ($\frac{1}{2}$ gr.) metallic iron and 0.00045 Gm. ($\frac{1}{140}$ gr.) arsenious acid;" "Carpule Nitroglycerin 0.0013 Gm. ($\frac{1}{50}$ gr.);" "Carpule * * * Nitroglycerin 0.00065 Gm. ($\frac{1}{100}$ Gr.);" "Carpule Strychnine Sulphate 0.002 Gm. ($\frac{1}{30}$ Gr.);" "Carpule Cocaine Hydrochlorid 0.016 Gm. ($\frac{1}{4}$ Gr.)" "Ergot 2 Gm. (31 Gr.) * * * carpule;" "Carpule Morphine Sulphate 0.032 Gm. ($\frac{1}{2}$ Gr.);" and "Carpule contains Procain 0.022 Gm. ($\frac{1}{3}$ Gr.) and Epinephrin 0.00005 Gm. ($\frac{1}{1200}$ gr.)."

On January 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$750.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19376. Misbranding of Mike Martin's Liniment. U. S. v. 364 Dozen Packages, et al., of Mike Martin's Liniment. Decree of condemnation with provision for release under bond. (F. & D. No. 27671. I. S. No. 42901. S. No. 5696.)

Examination of samples of Mike Martin's liniment from the shipment herein described having shown that the bottle and carton labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which in fact it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On January 15, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 364 dozen small and 32 dozen large packages of the said Mike Martin's liniment, remaining in the original unbroken packages at Atlantic City, N. J., alleging that the article had been shipped by Vasco Products (Inc.), Brentwood, Md., in part on or about September 4, 1931, and in part on or about September 11, 1931, and had been transported from the State of Maryland into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils (11 per cent), including methyl salicylate, and capsicum oleoresin incorporated in a fatty oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "This Liniment * * * stimulates circulation, reduces congestion or inflammation * * * Rheumatism—(All Kinds). * * * Stomach Cramps— * * * Stiff Neck— * * * Ear-ache;" (carton) "Recommended for Relief of Pain Caused by * * * Stiff Neck, Swollen Joints, Rheumatism, * * * Lamé Back, Lumbago, Congestion. * * * [Testimonial] 'My knee was seriously injured and I attribute my recovery exclusively to the use of Mike Martin's Liniment;'" (circular) "Your Aches, Pains, Rheumatism, Etc., Can Be Banished * * * for their aches, pains, swollen stiff joints, lame back, etc., * * *. Some of the Stars of today are often feeling achy, lame, stiff, old and rheumatic, yet to see them prancing out onto the ball field full of pep and youthful spirits you'd never dream they ever had an ache or pain, in their lives. You folks who in damp, cold weather feel achy, rheumatic or stiff, or after a little exercise become lame, take a tip from me. * * * get somebody * * * to rub you thoroughly with the liniment we use at the ball park— * * *. If you have * * * it vanishes like magic along with all signs of pains, stiffness, ache and lameness due to rheumatism, etc. * * * Mike Martin's Liniment puts * * * health-glow and a tingle of youthful

vitality into those old muscles, tendons, joints, back and limbs of elderly people. * * * [Testimonial] * * * 'Aches and pains. * * * Senators, Diplomats—even a recent President when stricken * * * on how to treat various aches, pains' ' * * * chills, stiffness, lame muscles.' * * * Women Find Liniment Is Fine For Lame Back * * * [Testimonial] 'If women with lame, achy backs knew how easily they might get rid of such troubles with Mike Martin's Liniment— * * * When you feel achy, stiff, sore all over * * * old age— * * * You sleep so sound and next morning wake up supple, spry, refreshed and vigorous as a girl.' * * * 'It's the best * * * for * * * achy, stiff joints.' * * * Stiffness, Swollen Joints * * * Aches And Pains Caused By Rheumatism, Lumbago—Sciatica, Neuritis * * * An Ache Or Pain * * * [testimonials] ' * * * for aches, pains, stiffness, etc.' * * * 'Anybody who * * * finds their * * * legs, arms, or shoulders, achy, stiff, sore, or rheumatic should get Mike Martin's Liniment.' * * * Rheumatic Pains Sciatica and Lumbago Sudden, sharp, excruciating pains in loin, hip, thigh, or lower part of the back are generally diagnosed by doctors as Lumbago or Sciatica Symptoms. * * * If pains are in limbs, arms, fingers or shoulders, * * * Neuritis Neuritis is said to be an inflammatory condition of the Nerve trunk and I treat it exactly the same as Sciatica or Lumbago except I rub gently and insist upon the sufferer taking a complete rest to overcome the nervous condition, if any exists. * * * and Sciatica * * * Rheumatic Joints If joints of arms, wrists, ankles, knees or neck are swollen, red, sore, stiff. * * * Repeat a couple of times when necessary to completely reduce swelling, stiffness or redness. Inflammatory Rheumatism This dangerous, painful form comes at its worst after exposure to wet or cold and usually brings fever, swelling, redness and agonizing pains at the slightest movement. * * * Persistent, chronic rheumatism isn't accompanied by fever but is bad enough with its pain and swollen, stiff achy joints * * * For Stomach Cramps * * * Stiff Neck * * * Sore, achy * * * Joints * * * has sore, achy, stiff * * * joints, * * *. Apply * * * to those * * * joints * * * achy, stiff, sore and swollen * * * Coughs * * * For * * * deep-seated coughs, bronchial, asthmatic or catarrhal troubles, sore chest, wheezing lungs, etc., * * *. All phlegm, irritation, congestion * * * vanish. * * * it keeps you * * * free of * * * coughs. * * * Bronchial Colds Difficult breathing and wheezing, whistling sounds when sleeping at night are symptoms of asthmatic, bronchial troubles and the irritating cough and spitting up of phlegm is annoying. Many become unduly alarmed at such symptoms, but a good rub with Mike Martin's Liniment on chest and throat each night for awhile and a few drops swallowed on a lump of sugar or straight each time, soon gets the system back in shape. * * * assists nature to throw off such troubles. * * * [Testimonials] 'I had a touch of what looked like rheumatism in my hip recently but Mike's Liniment fixed me up quick, just like it does all kinds of pains.' * * * 'It's positively amazing what that Liniment will do for aches, pains * * * or stiffness.'

On February 16, 1932, the Mike Martin Liniment Co., having appeared and filed a claim and answer, judgment of condemnation was entered. The decree provided that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act, or other existing laws, otherwise that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19377. Adulteration and misbranding of Ergotole. U. S. v. Sixty-four 1-Ounce Bottles of Ergotole. Default decree of condemnation and destruction. (F. & D. No. 26022. I. S. No. 28706. S. No. 4285.)

Examination of a sample of the drug product Ergotole from the shipment herein described showed that it contained less of the therapeutically important constituents of ergot than represented, and that it would be incapable of producing certain curative and therapeutic effects claimed for it in the labeling, because of its low potency.

On March 13, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of sixty-four 1-ounce bottles of Ergotole, remaining in the original unbroken packages at Washington, D. C., alleging that the article had

been shipped by Sharp & Dohme (Inc.), from Baltimore, Md., on or about February 25, 1931, and had been transported from the State of Maryland into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Ergotole by this department showed that the potency per cubic centimeter was equivalent to not more than one-fifth of a gram of ergot.

Adulteration of the article was alleged in the libel for the reason that it was sold under the following standard of strength: (Carton and bottle label) "Ergotole * * * A Purified Liquid Preparation of Selected Ergot of Rye Free From Irritating constituents, Each cc. Requiring Two and One-Half Grams of the Drug in its Preparation;" (circular) "In order to obtain the full oxytocic effect of Ergot a preparation should be used which contains the water-soluble constituents of Ergot in a maximum and definite amount," whereas the strength of the article fell below such professed standard.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton and bottle) "Ergotole * * * A Purified Liquid Preparation of Selected Ergot of Rye * * * Each cc. Requiring Two and One-Half Grams of the Drug in its Preparation;" (circular) "In order to obtain the full oxytocic effect of Ergot a preparation should be used which contains the water-soluble constituents of Ergot in a maximum and definite amount." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "In order to obtain the full oxytocic effect of Ergot a preparation should be used which contains the water-soluble constituents of Ergot in a maximum and definite amount. The chief use for Ergotole is to excite uterine contraction and to check uterine hemorrhage. It is therefore especially valuable in the third stage of labor * * * Ergotole may be administered by the mouth in doses of 15 to 60 minims. Hypodermically 5 to 20 minims."

On March 25, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19378. Adulteration and misbranding of Colwells hormones solution. U. S. v. 6 Bottles of Colwells Hormones Solution. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26191. I. S. No. 28718. S. No. 4454.)

The product, Colwells hormones solution, involved in this action was represented to be a gland preparation containing an appreciable amount of desiccated thyroid and adrenal glands. Samples examined were found to contain little, if any, material derived from thyroid glands, and not more than one-twentieth of the amount claimed in the labeling, of the active principle of adrenal glands. The article contained no ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label.

On April 4, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six bottles of the said Colwells hormones solution, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Colwell Pharmacal Corporation, from New York, N. Y., on or about July 19, 1930, and had been transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a small proportion of material derived from animal sources, glycerin, and water. It contained no iodine, indicating absence of material derived from thyroid. Pharmacological examination showed that 1 fluid dram represented the active principle of not more than 0.005 grain of desiccated adrenal gland, which is one-twentieth of the proportion stated upon the label.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely:

(Carton label) "Each fluid dram represents the active principles of the assembled Hormones in the usual desiccated form in the following proportion: * * * Thyroid $\frac{1}{10}$ gr.: Adrenal $\frac{1}{10}$ gr."

Misbranding was alleged for the reason that the statements on the carton "Each fluid dram represents the active principles of the assembled Hormones in the usual desiccated form in the following proportion: * * * Thyroid $\frac{1}{10}$ gr.; Adrenal $\frac{1}{10}$ gr." were false and misleading. Misbranding was alleged for the further reason that the statements on the bottle label, regarding the curative or therapeutic effect of the article, "Indications: Menopause, Hypotension, Hypoadrenia, Dysmennorrhoea, Neurasthenia, and in defective or morbid Metabolism of endocrine origin," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19379. Adulteration and misbranding of Clotol. U. S. v. The Wm. S. Merrell Co. Plea of guilty. Fine, \$10. (F. & D. No. 27474. I. S. No. 7568.)

This action involved a drug product, known as Clotol, and was based on representation in the labeling that the article contained the principal medicinal extracts of cod-liver oil combined with hypophosphites of quinine and strychnine, also on certain claims regarding its curative and therapeutic properties. Examination showed that it contained no quinine and strychnine, that it was worthless as a source of the therapeutically valuable principles of cod-liver oil, and that it would not produce certain curative effects claimed.

On February 29, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Wm. S. Merrell Co., a corporation, Cincinnati, Ohio, alleging shipment by said company in violation of the food and drugs act as amended, on or about December 18, 1930, from the State of Ohio into Puerto Rico, of a quantity of the said Clotol which was adulterated and misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium, iron, manganese, and calcium compounds, hypophosphites, sulphates, gualacol, extracts of plant drugs, alcohol, sugar, and water. No quinine nor strychnine was detected. Biological examination showed that the article was worthless as a source of vitamin D, one of the therapeutically important constituents of cod-liver oil.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be wine of cod-liver oil that contained in every 100 cubic centimeters extract of cod-liver oil combined with hypophosphites of quinine and strychnine, and that it contained the principal medicinal extracts of cod-liver oil, whereas it was not wine of cod-liver oil, it did not contain extract of cod-liver oil combined with hypophosphites of quinine and strychnine, and did not contain the principal medicinal extracts of cod-liver oil.

Misbranding was alleged for the reason that the statements, "Wine of Cod Liver Oil * * * every 100 c. c. contains * * * extract of cod liver oil combined with * * * hypophosphites of quinine and strychnine. * * * this palatable preparation represents the principal medicinal extracts of cod liver oil," borne on the carton and bottle and the statements, to wit, "Clotol with Creosote and Gualacol is the same formula as Clotol simple * * * cod liver oil has always merited the esteem of physicians * * * at the same time its frequent use is restricted due to its bad taste and the tendency which it has to disturb the digestion. These difficulties have been removed with our preparation Clotol in which the fatty principles have been eliminated, offering only the essential extractives with all their medicinal power * * * This preparation may be taken for an indefinite length of time, and because it lacks absolutely the disagreeable taste and odor of cod liver oil so common in other preparations, we guarantee that it will produce no digestive disorders," borne on the circular shipped with the article, were false and misleading, since the article was not

wine of cod-liver oil, it contained no extract of cod-liver oil combined with hypophosphites of quinine and strychnine; it did not represent the principal medicinal extracts of cod-liver oil; it was a preparation that offered no essential extractives of cod-liver oil and it was not a substitute for cod-liver oil. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the said cartons and bottles and in the said circular, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for the first stages of pulmonary tuberculosis, chronic muscular rheumatism, serofulous lesions of the skin, dilated lymphatic glands, tertiary syphilis, marasmus, anemia, all affections of the respiratory tract, pulmonary tuberculosis, subacute, acute, and chronic bronchitis, laryngitis, obstinate cough with fetid and viscous expectoration, general debility due to faulty nutrition, intestinal tuberculosis, and chronic gastritis with fermentation; and effective to diminish the temperature and alleviate the cough in the different pulmonary affections where there exists fetid expectoration; and effective as a powerful stimulant and extraordinary nutritive agent; and effective in the treatment of nervous affections, general debility, and loss of vigor through physical or mental work, whereas it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 29, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19380. Adulteration and misbranding of mercury protoiodide tablets, quinine sulphate tablets, and salol tablets. U. S. v. Physicians' Chemical & Drug Co. Plea of not guilty. Judgment of guilty. Fine, \$200 and costs. (F. & D. No. 22556. I. S. Nos. 15089-x, 15092-x, 15093-x, 15094-x.)

Examination of samples of drug tablets from the shipment herein described showed that the articles varied appreciably from the declared standard, since the quinine sulphate tablets contained less than the declared amount of quinine sulphate, and the mercury protoiodide tablets and the salol tablets contained more mercury protoiodide and salol, respectively, than labeled.

On April 17, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Physicians' Chemical & Drug Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about December 14, 1926, from the State of Illinois into the State of Louisiana, of quantities of drugs consisting of 1 lot of mercury protoiodide tablets, 2 lots of quinine sulphate tablets, and 1 lot of salol tablets, which said drugs were adulterated and misbranded. The articles were labeled in part, variously: "Mercury Protoiodide Gr. $\frac{1}{4}$;" "Quinine Sulphate Gr. 1 [or "Gr. 2"];" "Salol Grs. $2\frac{1}{2}$ * * * The Physicians' Chemical and Drug Company, Chicago, Illinois."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the said mercury protoiodide tablets was represented to contain $\frac{1}{4}$ grain of mercury protoiodide, whereas each one contained more than so represented, namely, not less than 0.281, i. e., approximately two-sevenths of a grain of mercury protoiodide. Each of the quinine sulphate tablets in one of the lots was represented to contain 1 grain of quinine sulphate, where each one contained less than so represented, namely, not more than 0.747 grain, i. e., $\frac{3}{4}$ grain of quinine sulphate. Each of the quinine sulphate tablets in the other lot was represented to contain 2 grains of quinine sulphate, whereas each one contained less than so represented, namely, not more than 1.728, i. e., $1\frac{3}{4}$ grains of quinine sulphate. Each of the salol tablets was represented to contain $2\frac{1}{2}$ grains of salol, whereas each of said tablets contained more than so represented, to wit, not less than 5.077 grains of salol.

Misbranding was alleged for the reason that the statements, to wit, "Mercury Protoiodide Gr. $\frac{1}{4}$ * * * Tablets," "Quinine Sulphate Gr. 1," "Quinine Sulphate Gr. 2," and "Salol Grs. $2\frac{1}{2}$ * * * Tablets," borne on the labels of the respective products, were false and misleading in that the said statements represented that the articles contained the amount of the said drugs declared on the labels, whereas they did not, the said mercury protoiodide tablets and the salol tablets contained more of the said drugs than declared on

the labels, and the quinine sulphate tablets contained less quinine sulphate than so declared.

On January 27, 1932, a plea of not guilty to the information having been entered on behalf of the defendant company, the facts were submitted to the court who made a finding of guilty and imposed a fine of \$200 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19381. Adulteration and misbranding of peroxide of hydrogen and misbranding of laxative cold tablets. U. S. v. Royal Manufacturing Co. of Duquesne. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 26637. I. S. Nos. 16238, 28745.)

Samples of peroxide of hydrogen involved in this action were found to fall below the requirements of the United States Pharmacopoeia since it contained less hydrogen peroxide and more preservative, in the form of acetanilid, than so provided. The labeling of the article failed to declare the amount of acetanilid contained therein. The bottle label of the peroxide of hydrogen, and the box label of the laxative cold tablets also covered by this action, contained unwarranted therapeutic and curative claims for the said articles.

On September 16, 1931, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Royal Manufacturing Co. of Duquesne, a corporation, trading at Duquesne, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 20, 1931, from the State of Pennsylvania into the District of Columbia, of a quantity of peroxide of hydrogen that was adulterated and misbranded, and on or about March 18, 1931, from the State of Pennsylvania into the State of Virginia, of a quantity of laxative cold tablets that were misbranded.

Analysis of a sample of the laxative cold tablets by this department showed that they consisted essentially of acetanilid, quinine sulphate, iron oxide, tolu, capsicum oleoresin, aloin, and podophyllum resin.

Adulteration of the said peroxide of hydrogen was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it contained 1.6 per cent of hydrogen peroxide, equivalent to approximately 5.3 volumes of oxygen, and it contained as a preservative 0.28 gram of acetanilid in each 100 cubic centimeters, equivalent to 1.28 grains per fluid ounce of the article, whereas the pharmacopoeia provides that solution of hydrogen dioxide, i. e., solution of hydrogen peroxide, shall contain not less than 3 per cent by weight of hydrogen peroxide, and that any preservative present shall not exceed 0.04 gram per 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be peroxide of hydrogen 10 volume 3 per cent H_2O_2 , a superior product of unexcelled purity and strength, whereas it was not.

Misbranding of the said peroxide of hydrogen was alleged for the reason that the statements, "Peroxide of Hydrogen * * * 10 Volume 3 per cent H_2O_2 A superior product of unexcelled purity, strength," borne on the bottle label, were false and misleading in that they represented that the article was peroxide of hydrogen 10 volume, 3 per cent H_2O_2 , a superior article of unexcelled purity and strength, whereas it was not; misbranding was alleged for the further reason that the article contained acetanilid and the label failed to bear a statement of the quantity and proportion of acetanilid contained therein. Misbranding of the said peroxide of hydrogen was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the said article, appearing on the bottle label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for catarrh of the nose and for hay fever, whereas it contained no ingredient or medicinal agents effective as a treatment, remedy, or cure for catarrh of the nose or for hay fever. Misbranding of the laxative cold tablets was alleged for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the box label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for coughs, influenza, headaches, fever, and la

grippe, whereas it contained no ingredients or medicinal agents effective as a treatment, remedy, or cure for coughs, influenza, headaches, fever, or la grippe.

On January 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19382. Misbranding of Dead Shot. U. S. v. 12 Dozen Jars of Dead Shot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26938. I. S. No. 36902. S. No. 5140.)

Examination of a drug product, known as Dead Shot, from the shipment herein described having shown that the jar and carton labels and a circular accompanying the article contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Texas.

On September 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen jars of Dead Shot at Beaumont, Tex., alleging that the article had been shipped by the Dead Shot Co., Marion, Ark., on or about July 25, 1931, and had been transported from the State of Arkansas into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sulphur (7.4 per cent), volatile oils (28 per cent) including turpentine oil, methyl salicylate, and camphor, phenol (0.5 per cent), ammoniated mercury (6.3 per cent), arsenic trioxide (0.014 per cent), petrolatum, and wax.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar) "Dead Shot. For all Skin Diseases, Such as Eczema, Tetter, Ring Worm, Rice Poison, Pimples, Dandruff, Blackheads and Old Sores, Erysipelas;" (carton) "Dead Shot For all Skin Diseases Such as Eczema, Tetter, Erysipelas, Ring Worm, Rice Poison, Pimples, Blackheads, Old Sores;" (circular) "For All Skin Diseases * * * For Skin Diseases, Particularly Recommended for Eczema, Tetter, Ring Worm, * * * Rice Poison, Pimples, Black Heads, Old Sores, Erysipelas, * * * For diseases above enumerated as well as for * * * Dandruff * * * Follow directions closely. In rare cases of Eczema, Erysipelas and * * * the treatment may require more than one jar. For Eczema and Dandruff. * * * Apply Dead Shot once each day until symptoms disappear. In case of Eczema continue treatment for one week after symptoms disappear. * * * Dead Shot is good for Skin Diseases and skin Eruptions on animals, also for Chicken Warts. * * * Following are testimonials in regard to the curative virtues of Dead Shot: ' * * * My wife had a bad case of Eczema on her scalp, arms and chest. I was advised by three (3) well known physicians to take her to a hospital and have her hair clipped off, but as a last resort, and before taking her and having her hair cut off, a friend advised me to try Dead Shot, so I did, and, am thankful to say that only one jar of this wonderful remedy completely cured her.' * * * 'I can safely recommend it for all skin diseases.' * * * 'I have never seen any medicine that equals it for skin diseases. * * * I can cheerfully recommend it to any one suffering from skin diseases.' * * * 'I have now used your Dead Shot on the body of my son. He has had the Eczema for the last six years. I have had three of the best doctors in Dallas attending him, but could do no good until I used your Dead Shot. Two Bottles cured, I may say permanently.' * * * 'This is to certify that I was cured of Tetter entirely by using Drinkard's Dead Shot.' * * * 'In the year 1889, about August I think, I brought one box of Dead Shot for Tetter. It acted as a perfect cure and have never noticed any symptoms since using.' * * * 'After using about one-third of a bottle of your Dead Shot the Tetter entirely disappeared and I have not been bothered with it since.' * * * 'I have used his remedy, Dead Shot, for Eczema, and find it one of the best, if not the best, remedy for that disease I have ever used and can Cheerfully recommend it to anyone suffering with Eczema.' * * * and after using two jars of it I have been completely cured of Eczema, which I have had for seven years.

I will recommend Dead Shot to all of the world who may have skin disease.' * * * * recommend the same for all skin diseases.' * * * 'I was troubled with Erysipelas, I used one-half bottle of your Dead Shot and am now entirely cured.' * * * 'I bought one box of your salve, and it cured my little girl of a bad case of Eczema, and I would not do without it.' * * * 'This is to certify that Dead Shot cured me of Eczema when everything else failed.' * * * I can highly recommend Dead Shot as a cure for Eczema.' * * * 'I have been troubled with Eczema for years and have tried your Dead Shot medicine and found it to be permanent cure.' * * * 'I have used one-half bottle your Dead Shot for Eczema on my feet. It has given satisfaction so far and I think it will completely cure me.' * * * and after three applications the Ringworm had entirely disappeared. I heartily indorse and recommend Dead Shot to any one troubled with Ringworm.' * * * one jar of Drinkard's Dead Shot I was entirely cured of Tetter of long standing.' * * * 'I had a bad case of Eczema on my chin, which was of long standing. After using several remedies recommended me by my friends, without avail, I was advised to use Drinkard's Dead Shot, which in one week's time cured me, and I can more than cheerfully recommend it to anyone.' * * * 'This is to certify that I had Eczema for 12 years, three doctors failed to relieve me. K. Drinkard's Dead Shot cured me.'

On October 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19383. Misbranding of Vege-Lene stomach and liver pills. U. S. v. 40 Packages of Vege-Lene Stomach & Liver Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27604. I. S. No. 42907. S. No. 5597.)

Examination of the drug product Vege-Lene stomach and liver pills, from the shipments herein described, having shown that the vial and carton labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 packages of the said Vege-Lene stomach and liver pills, remaining in the original unbroken packages at Bethlehem, Pa., alleging that the article had been shipped by the Vege-Lene Co. (Inc.), Warsaw, N. Y., in part on or about September 29, 1931, and in part on or about October 22, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained extracts of plant drugs including aloe, podophyllum, and nux vomica.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Vial) "Stomach and Liver * * * Billiousness, Sick Headache, Torpid Liver, * * * General Debility, Etc. Cures That Tired Feeling;" (carton) "Stomach and Liver * * * Stomach and Liver * * * Stomach and Liver * * * for the cure of Dyspepsia, Sick Headache, * * * Indigestion, Hemorrhoids or Piles, General Weakness, Dizziness, Pains in the Head, Chest, Bowels, Etc.;" (cut carton) "Stomach and Liver * * * Billiousness, Sick Headache, Etc.;" (circular) "Stomach and Liver * * * Dyspepsia, Sick Headache, Torpid Liver, Billiousness, * * * General Debility, Etc. Avoid Constipation by taking Vege-Lene Stomach and Liver Pink Pills, and Live Long and Happy. * * * Jaundice, Torpid Liver, Billiousness, Sallow Skin, Indigestion, * * * Pimples, * * * Boils, Dizziness, * * * Cramps, Rheumatism, Colic, Etc. You can easily avoid all these troubles and keep your system pure and healthy by taking from time to time one or two Vege-Lene Stomach and Liver Pink Pills. When your stomach, Liver or Bowels get out of order, take one or two Vege-Lene Pills and notice the quick effect and great relief you will experience. * * * they will be a great aid to your health and happiness. * * * Systematic Tonic—

* * * The object being to tone up the system by the regular use of the pills, * * * Remove the causes * * * and you will be more certain to enjoy good health. Vege-Lene Stomach and Liver Pills * * * purify and enrich the blood. Piles * * * may easily be prevented by the early use of Vege-Lene Stomach and Liver Pills, even when the piles are fully developed by taking from two to five pills each night, sufficient to keep the contents of the bowels of a soft consistency when evacuated. * * * Stomach and Liver." Misbranding was alleged for the further reason that the statement, "Guaranteed by the Vege-Lene Co., Inc., to comply with all State Laws and is pure and wholesome and unadulterated within the meaning of the Pure Food and Drug Laws," appearing on the carton and circular, was false and misleading.

On April 6, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19384. Adulteration and misbranding of ether. U. S. v. 90 Quarter-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26921. I. S. No. 36918. S. No. 5137.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On or about September 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 quarter-pound cans of ether, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by Merck & Co. (Inc.), from St. Louis, Mo., on or about January 26, 1931, and had been transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia—U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the statement on the labels of the containers, "Ether for Anesthesia U. S. P.," was false and misleading, since the said article contained peroxide.

On February 20, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19385. Misbranding of Vinco herb tablets. U. S. v. 6 Dozen Packages of Vinco Herb Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26104. I. S. No. 19812. S. No. 4398.)

Examination of the drug product Vinco herb tablets, involved in the shipment herein described, having shown that the box label and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which in fact it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Texas.

On March 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six dozen packages of the said Vinco herb tablets, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by the Vinco Herb Co., from Dayton, Ohio, on or about November 3, 1927, and had been transported from the State of Ohio into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained extracts of plant drugs including capsicum, golden seal, and laxative drugs. It contained no cinchona alkaloids.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic

effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box) "For Stomach, Liver, * * * And System * * * If indigestion * * * give you trouble; if you need a Stomach Tonic; * * * or your blood impure—don't fail to try Vinco Herb Tablets. Intended for the Stomach, Liver * * * and System;" (circular) "Gives real relief from stomach distress * * * perhaps the whites of your eyes are yellow, or skin dry, yellow and spotted, and your side, back and shoulders ache. If so, you may be sure you have a torpid or congested liver, which can be greatly benefited by the use of Vinco Herb Tablets. * * * A Word To Women: In cases of temporary irregularity, tardiness or suppression of the menstrual discharge, if wholly chargeable to a sluggish functional action of the sexual system induced by constipation of the bowels. 'Vinco' Herb Tablets will prove very beneficial. Females are advised to take two Tablets with a cup of hot ginger tea. * * * Intended as a System Cleanser * * * Contains only the most purifying and health-giving roots, herbs and barks. * * * aid digestion; help to give renewed strength and vigor by helping to restore the system to its normal, healthy condition. * * * [Translation from Italian] In order to enjoy life better, to render your habits calm and serene under pressure of work, it is necessary that you try a box of 'Vinco' Herb Tablets (For Liver and Stomach), * * * They not only give temporary relief but they Cure by removing the cause. They invigorate the diseased organs to their normal function. For the stomach, for the liver, for the blood. Sure remedy for indigestion, * * * bile, jaundice * * * melancholia, malaria and all diseases of the liver. * * * [Translation from Spanish] If you suffer with indigestion * * * if you need a tonic for the stomach * * * and your blood is impure, try the 'Vinco' Herb Tablets. * * * for diseases of the stomach, liver, kidneys and blood; * * * diseases of women, diseases of the skin, catarrh, etc. and all diseases caused by the blood. * * * [Translation from German] Do you suffer with indigestion * * * Do you sleep well at night or are you restless and nervous? A sluggish condition of the system is almost always the cause of disorders of this kind, * * * for the stomach, liver, kidneys and blood, also for * * * female diseases, catarrh, etc., and for all disorders resulting from impure blood. [Translation from Swedish] * * * are intended for the stomach, the liver, the kidneys and the blood; also for * * * female diseases, skin affections, catarrh, etc., and for all diseases caused by the blood. * * * [Translation from French] * * * are most efficacious for the stomach, the liver, the kidneys and the blood; for * * * the intestines, diseases of women, cutaneous affections, catarrh, etc. and all affections arising from impurity of the blood. * * * [Translation from Russian] Do you Suffer With A Bad Stomach? Indigestion? * * * Do you sleep well at night or is your sleep restless and nervous? * * * for the stomach, liver, kidney and blood, also for indigestion, female diseases, skin diseases, catarrh, etc. and for diseases arising from impure blood."

On October 27, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19386. Misbranding of Cal-So-Dent. U. S. v. 11½ Dozen Packages of Cal-So-Dent. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27383. I. S. No. 47282. S. No. 5557.)

Examination of samples of Cal-So-Dent from the shipment herein described having shown that the bottle and carton labels and the circulars shipped with the article contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On December 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11½ dozen packages of Cal-So-Dent, remaining unsold at Cincinnati, Ohio, alleging that the article had been shipped by the Calsodent Co. (Inc.), from New York, N. Y., on or about January 15, 1931, and had been transported from the State of New York into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (95.8 per cent), sodium bicarbonate, volatile oils including menthol, eucalyptol, and thymol, and saccharin, colored with a red dye.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle) "A Preparation for Mouth Health * * * Removes Infected Mucin; (four-page circular) "Even clean teeth can decay. It is a great disappointment to the dental profession itself that the campaign for clean teeth has failed to cut down decay in children's teeth. At last, after much study, the source of the trouble has been found. It all depends on the circulation of the blood in the gums. The teeth depend for their health on blood supply, just as any other part of the body does. It is very fortunate that we can stimulate the supply of blood in the gums easier than we can almost anywhere else in the body. This is done by what is known as the Calsodent treatment. Calsodent was created especially to stimulate the blood supply in the gums;" (eight-page circular) "The Modern Periodontic Treatment for improving the health of the mouth. A Healthy Mouth is the birthright of everyone, but due to the weakening influence of our civilization, few mouths remain healthy throughout life. White, even teeth, free from decay, and pink firm gums which hug the necks of the teeth and completely fill the spaces which exist between the teeth and their necks—these are the signs of a healthy mouth. The foundation of health in the mouth is a vigorous circulation of the blood in the gums and bone which surround the teeth. When the jaws and teeth are given insufficient exercise, the flow of blood in the blood vessels become sluggish, and the vitality and resistance of the tissues becomes diminished. Bacteria, which are always present in the mouth, can only attack tissues which are lacking in resistance. And since it is impossible to destroy all mouth bacteria and keep the mouth permanently sterile, the only adequate protection against such infection lies in maintaining a high state of resistance in the mouth tissues. Cleanliness of the teeth is an important aid to mouth health, but it is now known that stimulation of the circulation of the gums is even more important. In fact, it has been found that the healthy mouth is naturally clean, and that an unclean condition is usually a sign of disease. Mouth infection is a general name which may be applied to a disease condition commonly known as pyorrhea. Leading dentists now use the term periodontoclasia, or periodontal disease, to designate this condition. It is a complex disease and it is now known that it has four stages. Failure to realize this fact has resulted in much confusion in the past. The first stage is marked by a recession of the gums at the neck of the tooth, usually without redness at the gum margin. In the second stage the gums are red and inflamed and bleed easily. This may sometimes appear before the recession. In the third stage the teeth themselves begin to show a slight loosening. In the fourth stage pus forms in pockets which are produced by the separation of the gums from the tooth. This stage is properly called pyorrhea, which means a flow of pus. This name has been unfortunate because it led dentists to think that the recession and inflammation (gingivitis) were a separate disease. It is now known that if these early conditions are neglected, they will inevitably lead on to the pus forming stage. When it does reach this stage, it is very apt to injure the general health of the body as well as of the mouth. The secret of mouth health is a vigorous flow of blood in the gums. The best way to stimulate this flow of blood is by vigorous chewing of coarse food. Most cooked foods do not provide enough exercise, however, so the modern periodontic treatment described on the following pages has been developed to provide the additional stimulation needed. Like the chewing of food, this treatment must be given daily to be effective. The results obtained by specialists who have been using it in their offices for more than five years, have demonstrated conclusively that it is a real protection against periodontal disease. In other words, so called pyorrhea can be cured and more important still, it can be prevented. * * * The Periodontic Treatment How you can apply it in your own home * * * The first thing to do is to examine your gums. * * * What you will probably see is a redness at the gum margin or a slight swelling of the edge of the gum. There may also be a recession of the gum which exposes the neck of the teeth and the spaces between the teeth. Now press your finger on the gum and notice whether it is firm or has a

spongy texture. Do the gums bleed, either upon pressure or when brushing? These are signs of periodontal disease (pyorrhea). In the later stages you will see a visible exudation of pus squeezed out from under the gum margin. If the later stages of disease are found, it will be necessary for you to have treatment given by your dentist. But whether it is in the early or advanced stage, the same home treatment is prescribed, and is essential for building up the resistance on which health is founded. * * * If the gums bleed, keep on with the treatment, as the bleeding gum is a sign of disease which the treatment is designed to overcome. Keep dipping the brush in the Calsodent solution during the entire operation, rinsing it each time. It will be noticed as the brush is rinsed in the Calsodent solution, that a reddish scum accumulates on the surface. This is the infected material which is being removed from the surfaces of the teeth, gums, tongue and mucous membrane of the mouth. After you have given yourself this treatment several times, you will find that the amount of scum is noticeably diminished, because it is only found in large amount in unhealthy, unclean mouths. * * * Even the best efforts of your dentist will fail to give you complete mouth health, if you do not help him by building up the resistance of the gums against infection. * * * 1. Every one should and may have a healthy mouth. 2. Mouth infection is primarily due to lack of resistance in the gums. 3. Exercise is the natural way to raise resistance, but is usually ineffective because modern food requires so little chewing. 4. Cleanliness alone will not protect you against mouth infection. 5. Periodontoclasia (pyorrhea) is a complex disease which has four stages: Ulatrophia (recession), Gingivitis (inflammation of the gum), Alveolar resorption (loosening of the tooth) Pericementoclasia (pus-pocket-formation). 6. Periodontoclasia can be prevented and can be cured. 7. Whether treatment by a dentist is needed or not, proper home treatment is essential to promote the health of the mouth. 8. Stimulation of the blood supply by the treatment described in this booklet is an effective means of raising resistance against infection. 9. Home treatment consists in—First, using Calsodent to neutralize the acids which are always found in a diseased mouth. Second, massage of the gum margin with Calsodent and the Calsodent tooth brush, as described in this booklet. This will provide the necessary stimulation and will clean the teeth as well."

On February 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19387. Adulteration and misbranding of Glicoiiodina. U. S. v. 48 Bottles of Glicoiiodina. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27327. I. S. No. 38436. S. No. 5447.)

Examination of a drug product, known as Glicoiiodina, from the lot herein described showed that the carton and bottle labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. The article was further represented to be an antiseptic and disinfectant, whereas it was not an antiseptic and disinfectant when used in the dilution recommended.

On December 7, 1931, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 bottles of Glicoiiodina at San Juan, P. R., alleging that the article was in possession of the Drug Co. of Puerto Rico (Inc.), San Juan, P. R., that it was being offered for sale and sold in Puerto Rico by the said Drug Co. of Puerto Rico, and that it was adulterated and misbranded in violation of the food and drugs act as amended.

Analysis of a sample of Glicoiiodina by this department showed that the article consisted essentially of small proportions of potassium iodide, iodine, thymol, and menthol, alcohol, glycerin, and water. Bacteriological examination showed that the article was not an antiseptic and disinfectant in the dilution recommended for use; namely: "15 or 20 drops in a glassful of water."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely: (Circular, translated from Spanish) "Antiseptic and Disinfectant * * * 15 or 20 drops in a glassful of water."

Misbranding was alleged for the reason that the following statements, appearing in Spanish on the circular, were false and misleading: (Translation)

"Antiseptic and Disinfectant * * * Acts on the Germs that continuously multiply themselves in the mouth, diminishing in this way their destructive action on the dental tissues. Method of using: 15 or 20 drops in a glassful of water." Misbranding was alleged for the further reason that the following statements appearing in Spanish, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton, translation) "For all Diseases of the Mouth * * * Recommended for the Affections of the Mouth;" (bottle, translation) "For All Diseases of the Mouth;" (circular, translation) "Great Preventative against Pyorrhea alveolar. It is invaluable for affections of the Respiratory Tract, energetic counter-irritant against Pericementitis, scientific preparation against Inflammation of the gums. Destroys the formation of Sanguineous and Salivary Calculus. * * * Prevents the formation of Caries. Efficacious against * * * Sick Gums."

On January 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19388. Adulteration and misbranding of mineral water. U. S. v. 20 Cases of Geneva Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27627. I. S. No. 45493. S. No. 5670.)

Examination of samples of Geneva mineral water from the shipment herein described showed that the article was contaminated by the presence of colon-aerogenes organisms; that it contained but negligible amounts of certain of the declared minerals; and that the labeling bore unwarranted therapeutic claims.

On January 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cases of the said Geneva mineral water at Chicago, Ill., alleging that the article had been shipped by Geneva Mineral Springs, from Geneva, N. Y., on or about November 9, 1931, and had been transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and putrid animal and vegetable substance, since it contained the colon-aerogenes group of organisms.

Misbranding was alleged for the reason that the statements, "Phosphoric Acid * * * Lithia * * * Chloride Potassium * * * Iron," were false and misleading and deceived and misled the purchaser, since they implied that the water contained these chemicals in significant quantities, whereas it did not. Misbranding was alleged for the further reason that the statements appearing on the bottle label, "Nature's Remedy. * * * A Regulator," were statements concerning the curative or therapeutic effects of the said water, and were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing such effects.

On February 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19389. Adulteration and misbranding of Vigorex tablets for men and Vigorex tablets for women. U. S. v. 22 Bottles of Vigorex Tablets for Men, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27000, 27001. I. S. Nos. 36947, 36948. S. No. 5204.)

Examination of samples of the drug products herein described showed that the articles contained less chromium sulphate than declared on the label. The bottle and carton labels and a circular shipped with each of the articles contained certain curative and therapeutic claims which investigation by this department failed to substantiate.

On or about October 6, 1931, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 22 bottles of Vigorex tablets for men

and 10 bottles of Vigorex tablets for women, remaining in the original packages at Houston, Tex., alleging that the articles had been shipped by the J. A. Roldan Co., St. Louis, Mo., on or about January 27, 1931, and had been transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act.

Analyses of samples of the articles by this department showed that the Vigorex tablets for men contained chromium sulphate (0.0675 gram per tablet), a calcium compound, phosphates, small proportions of an iron compound and glandular material, a trace of strychnine, sugar, and starch; and the Vigorex tablets for women contained a calcium compound, phosphates, traces of iron, zinc, chromium, and strychnine compounds, a fixed oil, sugar, and starch, coated with lime carbonate and colored with a blue dye.

It was alleged in the libels that the articles were adulterated in that they were sold under their own standards of strength, namely, "Sulfato de Chromium 0.097 Grms." and the strength of the said articles fell below such pressed standard.

Misbranding was alleged for the reason that the statement, "Sulfato de Chromium 0.097 Grms.," borne on the labels, was false and misleading, since it did not state correctly the quantity of chromium sulphate contained in the articles.

This department in its report to the United States attorney, also recommended that charges, based on certain curative and therapeutic claims appearing in the labeling, be brought against the products, because they were found to contain no ingredients or combinations of ingredients capable of producing such effects. These curative and therapeutic claims, brief extracts from which were incorporated in the respective libels, were as follows: (Vigorex tablets for men, bottle) "Reconstituyentes del Sistema;" (carton) "For Men * * * 'Vigorex' * * * A well recommended tissue building * * * for Impotency, Sexual Debility and Nervousness;" (circular) "Directions for Using the 'Vigorex' Treatment for Men * * * ;" (Vigorex treatment for women, bottle) "Reconstituyentes del Sistema;" (carton) "For Women * * * 'Vigorex' * * * A well recommended tissue building * * * for Impotency, Sexual Debility and Nervousness;" (circular) "Directions for Using the 'Vigorex' Treatment For Women For Neurasthenia, (general run-down, tired, debilitated condition) Menopause (change of life) disturbance and derangement, use as follows: * * * For Amenorrhea (delayed, scanty and absent menses) Dysmenorrhoea, (painful or difficult menses) Sterility: Take two Vigorex Tablets 3 times daily for ten days;" (circular, both products) "Don't allow your supply of either Tablets to run out until you feel and know that you are entirely restored to your normal condition. * * * powerful treatment for constructive effect on the central nerve system which results justify persistent use in rebuilding shrunken tissues, strengthening the internal organ and stimulating nerve force and glands so vitally important to a normal condition. * * * to assist nature in a natural way to restore the fire of life, vivacity, youthful vigor, failing appetite, personal magnetism and power that has been partially or perhaps almost entirely lost or destroyed through the improper functioning of the central nerve and glandular system, or premature aging. It is well to understand in the beginning that in cases of long standing a reasonable time must be given the treatment to properly perform work. When nature has been abused and an abnormal condition developed and allowed to continue for an extended time complete recovery should not be expected from only a few days' treatment or even from the use of a single box. Where rebuilding is necessary, Nature must be given time to make healthy showing just as the deterioration and failing functions were gradual in their decay and in such cases it is generally advisable to take four to six boxes and in exceptional cases more may be required. The recuperating powers of some individuals are much slower to respond than others. In cases affected previously by venereal diseases, a treatment of Thirty to Sixty Days should be taken at least twice annually. Keep the bowels and liver working well and easily by use of * * * It is vitally important that the directions for taking Vigorex Treatment be followed closely if best results are desired and to be expected. No missing of doses to allow the effect to pass and have to be again renewed. The treatment should be continued as improvement is noted. * * * While Vigorex is very positive and certain in its action, yet Nature must have time and reason in replacing that which was perhaps years in being devitalized. Suggestions Living habits should be regulated to commendable normalcy.

Practice of self abuse of any kind should not even be considered. Avoid all alcoholic drinks while taking Vigorex." (Similar statements appeared in the circular in Spanish.)

On February 20, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19390. Adulteration and misbranding of iron colloidal with arsenic ampuls. U. S. v. William A. Fitch (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 27459. I. S. No. 15342.)

Examination of iron colloidal with arsenic ampuls involved in this action showed that the article contained much more arsenic than declared on the label.

On January 19, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against William A. Fitch (Inc.), a corporation, New York, N. Y., alleging shipment by said company in violation of the food and drugs act on or about October 18, 1930, from the State of New York into the State of New Jersey, of a quantity of iron colloidal with arsenic ampuls that were adulterated and misbranded. The article was labeled in part: "Iron Colloidal with Arsenic Fitch Each 5 cc. represents * * * Arsenic (As) 10 Mgms. William A. Fitch Inc."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each 5 cubic centimeters of the article was represented to contain 10 milligrams of arsenic, whereas each 5 cubic centimeters of the article contained more than 10 milligrams of arsenic, namely, not less than 27.6 milligrams of arsenic.

Misbranding was alleged for the reason that the statement "Each 5 cc. represents * * * Arsenic (As) 10 Mgms.," borne on the carton and ampul containing the article, was false and misleading in that the said statement represented that each 5 cubic centimeters of the article represented 10 milligrams of arsenic, whereas each 5 cubic centimeters of the article represented more than 10 milligrams of arsenic.

On January 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19391. Misbranding of Planters Cuban oil. U. S. v. 6 Dozen Bottles of Planters Cuban Oil. Default decree of destruction. (F. & D. No. 26841. I. S. No. 36612. S. No. 5010.)

Examination of a drug product, known as Planters Cuban oil, from the shipment herein described showed that the bottle and carton labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. The name of the article indicated that it was a product of Cuba, whereas it was not.

On August 7, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six dozen bottles of Planters Cuban oil, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by the Planter Medicine Co., from Baltimore, Md., on or about May 6, 1931, and had been transported from the State of Maryland into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of kerosene, chloroform, and volatile oils including methyl salicylate, camphor, sassafras oil, and citronella oil, colored red.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed; (Bottle) "Quickly Penetrating * * * Apply freely wherever the pain exists * * * For * * * Sores, etc.;" (carton) "An Excellent Liniment for the

Nerve and Bone An External Remedy in all cases where a quick and penetrating relief is needed for Rheumatism, Neuralgia, * * * Sore Throat, * * * or Pains in any part of the body or limbs, * * * For the Relief of Lameness, * * * Ringbone, Spavin, * * * Cracked Heels, Distemper, Sweeney, Splint, &c.;" (circular) "Is an external liniment, penetrating and healing. * * * It is a scientific combination of the greatest healing principles of nature. * * * builds up the broken and bruised tissues in a quick and efficient manner. * * * penetrates directly to the nerve and bone. * * * may be applied to the tenderest wound or sore and will not cause pain. * * * is exceptionally fine for * * * sores, * * * snagged or torn flesh, swelling, * * * inflammations, etc., * * * is a fine liniment for rheumatism, sore throat, weak backs, stiff joints, etc. * * * heals quickly without leaving a scar, * * * for the treatment of lameness, * * * ringbone, spavin, cracked heels, distemper, sweeny, splint, * * * stiff joints, sores and wounds of all kinds." Misbranding was alleged for the further reason that the term "Cuban" in the name of the article was false and misleading.

On September 30, 1931, no claimant having appeared for the property, and the court having found that the allegations of the libel were true and correct, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19392. Adulteration and misbranding of phenolphthalein wafers, choleate compound tablets, triple bromide tablets, neuralgia grippe tablets, quinine sulphate tablets, acid acetylsalicylic capsules, gastric ulcer (Sippy) tablets, and elixir rheumatico. U. S. v. The Vale Chemical Co. Plea of guilty. Fine, \$500. (F. & D. No. 26695. I. S. Nos. 5128, 27835, 28064, 29105, 29116, 29117, 29701, 29702, 29704, 29705.)

This action was based on the shipment of various drug preparations. In each instance analysis showed that the article contained one or more of the declared drugs in amount varying materially from the amount stated on the label, some drugs being present in less amount and some in greater. The labels of the neuralgia grippe tablets, the gastric ulcer (Sippy) tablets, and the elixir rheumatico also bore unwarranted curative and therapeutic claims.

On March 21, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Vale Chemical Co., a corporation, Allentown, Pa., alleging shipment by said company from the State of Pennsylvania into the State of New Jersey, between the dates of May 3, 1930 and March 24, 1931, of quantities of pharmaceutical preparations that were adulterated and misbranded.

The articles were labeled in part: "Wafers Phenolphthalein 1 Grain;" "Tablets Choleate Comp. * * * Sodium Salicylate 1½ grs.;" "Tablets Triple Bromides * * * Potass. Bromide 5 grs. Ammo. Bromide 5 grs. Soda Bromide 5 grs.;" "Neuralgia Grippe Stron. Salicylate 2½ grs. Acetanilide 2½ grs.;" "Acetanilide and Sod'm Comp. * * * Acetanilide 3½ grs., * * * Sodium Bromide 1/10 gr.;" "Quinine Sulphate * * * 2 grs.;" "Capsules Acid Acetyl Salicylic 5 grains;" "Gastric Ulcer * * * Magnesium Calcined 5 gr., Soda Bicarb. 5 gr.;" "Elixir Rheumatico * * * Each ounce contains Sodium Salicylate 38 Grs. * * * Indicated: In Rheumatism, Sciatica, LaGrippe * * * The Vale Chemical Co. Inc., Allentown, Pa."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each phenolphthalein wafer was represented to contain 1 grain of phenolphthalein, whereas they each contained more, namely, not less than 1.088 grain of phenolphthalein. Each choleate compound tablet was represented to contain 1½ grains of sodium salicylate, whereas each contained less, namely, not more than 1.336 grains of sodium salicylate. Each triple bromide tablet was represented to contain 5 grains of potassium bromide, 5 grains of ammonium bromide, and 5 grains of sodium bromide, whereas each contained more of the said bromides, namely, not less than 5.854 grains of ammonium bromide, and not less than 11.13 grains of sodium bromide and potassium bromide combined. Each of the neuralgia grippe tablets was represented to contain 2½ grains of strontium salicylate and 2½ grains of acetanilid whereas the said tablets each contained less of the said drugs, the two consignments containing not more than 2.196 and 2.106 grains, respec-

tively, of strontium salicylate and 2.114 grains of acetanilid. Each of the acetanilid and sodium compound tablets was represented to contain $3\frac{1}{2}$ grains of acetanilid and $\frac{1}{16}$ grain of sodium bromide, whereas the said tablets each contained less than so represented, namely, not more than 2.842 grains of acetanilid and not more than 0.0766 grain of sodium bromide. Each quinine sulphate tablet was represented to contain 2 grains of quinine sulphate, whereas the said tablets each contained less than so represented, namely, not more than 1.73 grains of quinine sulphate. Each acid acetylsalicylic capsule was represented to contain 5 grains of acid acetylsalicylic, whereas the said capsules each contained not more than 4.157 grains of said acetylsalicylate. Each of the gastric ulcer (Sippy) tablets was represented to contain 5 grains of magnesium calcined and 5 grains of soda bicarbonate, whereas the said tablets each contained less of the said drugs than so represented, namely, not more than 3.997 grains of calcined magnesium, and not more than 3.514 grains of soda bicarbonate. And each fluid ounce of the elixir rheumatico was represented to contain 38 grains of sodium salicylate, whereas each fluid ounce of the article contained more than so represented, namely, not less than 41.26 grains of sodium salicylate.

Misbranding was alleged for the reason that the following statements borne on the labels of the articles, "Phenolphthalein 1 grain," "Tablets * * * Sodium Salicylate $1\frac{1}{2}$ grs.," "Tablets * * * Potass. Bromide 5 grs., Ammo. Bromide 5 grs., Soda Bromide, 5 grs.," "Stron. Salicylate, $2\frac{1}{2}$ grs., Acetanilide $2\frac{1}{2}$ grs.," "Acetanilide, $3\frac{1}{2}$ grs. * * * Sodium Bromide $\frac{1}{16}$ gr.," "Quinine Sulphate * * * 2 grs.," "Capsules Acid Acetyl Salicylic 5 grains," "Magnesium Calcined 5 gr., Soda Bicarb. 5 gr.," and "Each ounce contains Sodium Salicylate 38 grs." (with respect to the elixir rheumatico) were false and misleading, since the articles in certain instances contained less of the said drugs than declared in the label, and in certain instances contained more of the drugs than so declared. Misbranding was alleged with respect to three of the said drug preparations for the further reason that certain statements, designs, and devices appearing on the labels were false and fraudulent, the labeling of the so-called neuralgia grippe tablets representing that the article was effective as a treatment, remedy, and cure for la grippe, grippe, and rheumatism, the labeling of the magnesium and soda bicarbonate tablets representing that the article was effective as a treatment, remedy, and cure for gastric ulcer, and the labeling of the said elixir rheumatico representing that the article was effective as a treatment, remedy, and cure for rheumatism, sciatica, and la grippe; whereas the said articles contained no ingredients or medicinal agents effective to produce the effects claimed, i. e., the so-called neuralgia grippe tablets would not be effective as a treatment, remedy, and cure for la grippe, grippe, or rheumatism; the said magnesium soda bicarbonate tablets would not be effective as a treatment, remedy, and cure for gastric ulcer; and the said elixir rheumatico would not be effective as a treatment, remedy, and cure for rheumatism, sciatica, and la grippe.

On June 14, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19393. Misbranding of Dr. MacDonald's Atlas compound. U. S. v. 48 Dozen Boxes of Dr. MacDonald's Atlas Compound. Default decree of condemnation and destruction. (F. & D. No. 27309. I. S. No. 47084. S. No. 5445.)

Examination of a drug product, known as Dr. MacDonald's Atlas compound, from the shipment herein described having shown that the box label and the wrapper, leaflet, and circular shipped with the article, bore statements representing that it possessed curative and therapeutic properties which in fact it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about December 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 dozen boxes of Dr. MacDonald's Atlas compound, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by the Royal Drug Co., from Chicago, Ill., on or about December 27, 1930, and had been transported from the State of Illinois into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of tablets containing essentially sodium bicarbonate and material derived from plant drugs including ipecac, aloë, and ginger.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box label) "A Tonic, Digestive * * * For use when indicated in Stomach, Liver or Kidney Trouble;" (wrapper label) "A Tonic, Digestive * * * For use when indicated in Stomach, Liver Or Kidney Trouble;" (small white leaflet) "This remedy acts by loosening up the mucus, slimy, catarrhal coatings of the internal organs so that they have a chance to act naturally, and unless the bowels are kept open this slime and poisonous matter can not pass off;" (pink circular) "Atlas Compound is the greatest of all correctives * * * if you feel bad, one or two Tablets may be taken at any time, day or night. * * * Atlas Compound acts locally on the lining membranes of the stomach and intestines, loosens the mucus and slime formation and corrects fermentation, thus cleansing the walls and leaving them in an absorbative condition, promoting the secretion of nature's digestive fluids. Where there is a disturbance of the stomach and intestines of long standing, it may not be corrected in a short time, but Atlas Compound aids nature to remove the cause and correct the trouble. * * * To eradicate disease, purify the blood and tone up the system is what Atlas Compound does if given time. * * * Take Atlas Compound three times daily with an abiding faith that it may make you well * * * bowels move too freely it indicates that the medicine is taking hold and removing the slime and mucus from the stomach and intestines too fast. This poisonous slime cannot be absorbed into the system without very detrimental effects * * * various disturbances, such as imperfect digestion in the stomach or bowels, * * * and inactivity of the liver or spleen and certain nervous disturbances which lead to the existence of Rheumatic Conditions. Atlas Compound As A Corrective * * * The Blood is Life and Atlas Compound aids nature to carry off the waste material in the body and remove from the blood and system all impurities. When the slime and mucous are removed from the stomach and intestines, the food will be digested and properly assimilated, the nerves become strong and active and the physical balance restored and the vigor of health and strength what nature intended and what you desire. Keep physically fit for work if you want to succeed. Good blood, strong nerves and elastic muscles are the secret of old age because they regulate and control every part of the body. When the life blood is polluted or poisoned with fermented matter or corruption it loses its nutritive health sustaining powers. Atlas Compound is an excellent blood purifier, * * * It gently and thoroughly cleanses the blood of all impurities and stimulates the debilitated organs, acting as a corrective in all depleted conditions. It acts * * * and the digestion becomes normal. * * * Sick, puny children as well as elderly people become fat as the result of taking Atlas Compound. * * * Nervousness in many people is due to poor digestion * * * There are certain disturbances of the human organs which irritate and torture men and women, which sometimes estrange them from friends in a social way and Indigestion and Dyspepsia is such an affliction. This often may cause a grouch, yet the heart may love humanity. There are many kinds of Dyspepsia but they all produce the same effect, and the greatest of all correctives is Atlas Compound."

On May 17, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19394. Adulteration and misbranding of fluidextract of ginger. U. S. v. Frank E. Linet (Land Drug Co.). Plea of guilty. Fine, \$50. (F. & D. No. 25709. I. S. No. 035402.)

The product involved in this action was represented to be fluidextract of ginger which conformed to the requirements of the United States Pharmacopoeia. Analysis of a sample showed that the article contained a phenolic compound which is not prescribed by the pharmacopoeia as a constituent of fluidextract of ginger. Examination also showed that the labeling of the article contained unwarranted curative and therapeutic claims.

On May 15, 1931, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Frank E. Linet, trading as the Land Drug Co., Cincinnati, Ohio, alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about January 10, 1930, from the State of Ohio into the State of Louisiana, of a quantity of fluidextract of ginger that was adulterated and misbranded. The article was labeled in part: "Land Brand Fluidextract of Ginger U. S. P.

* * * Distributed by Land Drug Co., Cincinnati, O."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation in that it contained a phenolic compound which is not prescribed in the pharmacopoeia as a constituent of fluidextract of ginger; and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement, to wit, "Fluid Extract of Ginger U. S. P.," borne on the bottle label, was false and misleading in that the said statement represented that the article was fluidextract of ginger which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not. Misbranding was alleged for the further reason that the article was a product composed in part of a phenolic compound, prepared in imitation of fluidextract of ginger, U. S. P., and was offered for sale and sold under the name of another article. Misbranding was alleged for the further reason that certain statements, designs, and devices appearing on the bottle label, falsely and fraudulently represented that it was effective, among other things, as a stimulant in atonic dyspepsia, and diarrhea, and effective as a treatment, remedy, and cure for toothache and rheumatism; whereas it contained no ingredient or combination of ingredients effective as a stimulant in atonic dyspepsia or diarrhea, or effective as a treatment, remedy, or cure for toothache or rheumatism.

On April 15, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19395. Misbranding of Denn's Strong, Safe and Speedy remedy. U. S. v. 5½ Dozen Bottles of Denn's Strong, Safe and Speedy Remedy. Default decree of condemnation and destruction. (F. & D. Nos. 26958, 26959. I. S. Nos. 37094, 37095. S. No. 5148.)

Examination of a drug product, known as Denn's Strong, Safe and Speedy remedy, from the shipments herein described having shown that the carton and bottle labels and accompanying circulars contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of West Virginia.

On September 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five and one-half dozen bottles of Denn's Strong, Safe and Speedy remedy at Huntington, W. Va., alleging that the article had been shipped in part by the Owl Medicine Co., from Columbus, Ohio, on or about April 6 and July 2, 1931, and in part by Denn's Rheumatic Cure Co., from Columbus, Ohio, on or about June 13, 1931, and had been transported from the State of Ohio into the State of West Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that it consisted essentially of extracts of plant drugs including a laxative drug such as cascara sagrada, sodium benzoate (0.07 per cent), sugar, alcohol, and water.

It was alleged in the libel that the article in all consignments was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Portion of product shipped by Owl Medicine Co., carton) "Safe and Speedy regulator for Liver, Kidney, Stomach and Blood Impurities * * * When Using Denn's Blood Cleanser * * * The dis-

coverer was taken off a pair crutches in three days, after ten years suffering, by taking a few bottles. Doctors say our Remedy cures too Quick to make any money. No matter, we help quick and start the patient telling the good news to their friends. Always a Blood Tonic and Purifier Fully Guaranteed. * * *

We have seen strong men lying on their beds, suffering with pain and despairing of all hope because of the lingering misery in which they have been kept by those awful complaints and yet we have with this Wonderful Discovery gone to such men as we describe and in 24 hours taken them off their beds and in a little longer time put them at the bench, in the mine, at the counter or following their regular business in usual health. This remedy acts on the Liver, removing all Headaches and Dullness, heavy and ugly feeling caused by a torpid liver and disordered kidneys. In setting these two organs right we remove Rheumatism, Headache, Dyspepsia, Constipation, Lame Back. It carries off the impurities of the Blood, Liver, Kidneys and Stomach, so that the patient feels fine in a few days so that he or she is on the right road again to health and happiness; in fact it cannot be excelled as a general System Renovator and Tonic to all the Vital energies of the Physical Structure;" (bottle label) "Strong, Safe and Speedy Liver, Kidney & Rheumatism Remedy;" (circular) "Rheumatism any Kind Helped. Also Stomach, Liver and Kidney Troubles and Nervousness A Call to Our Citizens Helps * * *

And Kidney Trouble Makes Rich Pure Blood * * *

'Will say for the Remedy that it has done more for me to remove Rheumatism than anything I ever tried and is just as effective in bladder trouble as well. * * *

My friends and neighbors are astonished and doctors dumbfounded at me being cured so quickly of Rheumatism, Stomach and Kidney Trouble, when my case resisted our best doctors. I was cured by using 2 bottles of Denn's Sure, Safe and Speedy cure. * * *

Denn's Rheumatic Remedy is much talked of in many homes in Ohio for helping many sufferers with Stomach, Liver, Kidney and old Rheumatism troubles and we join the number.' * * *

'I have been a sufferer with Rheumatism, Liver and Kidney Troubles for twelve years I treated with many doctors took all Patent Medicines I knew or heard of. No relief whatever, until I heard of Denn's Rheumatic Cure, and took a few bottles, I am completely well now and I sell the Remedy to all the farmers and neighbors with positive results.' * * *

Charles Munter, a sufferer with Rheumatism in his feet, shooting pains all over his body, also with dyspepsia, so that he could not attend to his work, sleep, eat nor rest easy in any position. He was absolutely cured with a few bottles of Denn's S. S. S. Cure;" (portion of product shipped by Denn's Rheumatic Cure Co., carton) "Strong, Safe & Speedy Stomach, Liver, Kidney and Rheumatism Remedy * * *

will perhaps save you a big doctor bill and often an undertaker's bill, too. When you find how it helps tell the other fellow. He will be glad to know a good remedy for rheumatism. * * *

Dose— * * *

works on Bowels, Liver and Kidneys, removing constipation, etc. This remedy has given good satisfaction to thousands of sufferers with Rheumatism, Kidney, Stomach, Dyspepsia, Sour and Bloating Stomach, which cause nervous troubles, headache, etc. Our Discoverer was a miserable sufferer with Sciatic Rheumatism for twelve years. Treated with good physicians without any lasting results. During the time he cramped, had poor circulation, very bad kidneys, high colored urine, very much constipated, in fact scarcely a good night's rest for years. Now he is 69 years old and is lively on foot and around the office as young men 25 years old. We recommend this remedy for what it has done for our many patrons and also our personal knowledge in own case for 18 years fighting my many old troubles. * * *

All we claim for this remedy is true as we believe;" (bottle label) "Safe and Speedy Liver, Kidney and Rheumatism Remedy;" (circular) "Rheumatism! any Kind Helped. Also Stomach, Liver and Kidney Troubles and Nervousness Makes Rich Pure Blood Helps * * *

Kidney Trouble * * *

'It affords me great pleasure to say that you cured Mrs. Armstrong's Rheumatism, about six years ago, when the efforts of the best doctors in Verona and Pittsburg failed to cure her. Mrs. Hill, of Verona, recommended at that time that she had been cured of Sciatic rheumatism and Mrs. Armstrong was entirely cured by using your remedy, Sure, Safe and Speedy Cure. * * *

Any one can take it, as it cures Liver, Kidney and Stomach diseases, also, and I consider it as well as many others in Okmont and Verona, as one of the best medicines on the market for Rheumatism of any kind.' * * *

'Don't fool any longer with Doctors or Remedies that don't help at once. Thousands are helped and cured with Denn's Sure Safe & Speedy Cure, when all other means failed in Stomach, Liver, Kidney and

all kinds of Rheumatism. Denn's Remedy cured me.' * * * 'I purchased a bottle of your Stomach, Liver, Kidney and Rheumatism Remedy from your agent at Pineville, Ky. for one man here that was down with Rheumatism, could not walk one step, and he is now walking about. * * * I was a miserable incurable, it appeared, for years, with stomach, liver and some slight difficulty with kidney trouble. Treated by physicians, used all patent medicines I heard or knew of. No relief. But suffered a continual sinking and falling off in flesh until I was treated with Denn's Sure, Safe and Speedy (S. S. S.) Cure. It made a big improvement at once. Cured me right up.' * * * Safe & Speedy Remedy for Rheumatism Any Kind helped quickly. Also stomach, liver and kidney troubles, * * * [Sketch showing bedridden invalid]."

On March 25, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19396. Misbranding of Allen's rheumatic treatment. U. S. v. 72 Packages, et al., of Allen's Rheumatic Treatment. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27723, 27775. I. S. Nos. 12666, 12682. S. Nos. 5794, 5852.)

Examination of the drug product Allen's rheumatic treatment showed that the carton label and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess. The article consisted of two differently colored tablets, each of one kind containing 5 grains of acetanilid. The declaration of acetanilid was not made in manner required by law and the amount in each tablet was not declared, the declaration on the label being the total amount contained in all the tablets in the package, and the drug being described as phenylacetamide, a name sometimes used for acetanilid.

On February 8 and February 26, 1932, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 132 packages of the said Allen's rheumatic treatment, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Hart M. Allen Laboratories, from Los Angeles, Calif., in part on or about October 21, 1931, and in part on or about December 12, 1931, and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of two kinds of tablets. The white tablets contained acetanilid (5 grains each), caffeine, and sodium bicarbonate. The blue tablets contained acetylsalicylic acid (7.2 grains each).

It was alleged in the libels that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained in the article, in that the substance, acetanilid, was not declared by the name by which it is designated in the law, and the label on the packages failed to declare which of the tablets contained acetanilid and the quantity or proportion in each tablet. Misbranding was alleged for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatic Treatment * * * A most excellent treatment for the quick relief of Neuritis, Lumbago, Gout. * * * Directions Adults—Take two tablets (one of each color) every three hours until pain is relieved, then take two tablets three times a day as long as necessary. * * * gives quick relief from Rheumatism of all kinds, such as Sciatic, Articular, Muscular, Inflammatory;" (circular) "Rheumatic Treatment * * * Rheumatic Treatment * * * a remedy that has no superior in the treatment of Rheumatism in all its forms, including Sciatic, Muscular, Inflammatory, and Articular, * * * a remedy for the quick relief of Lumbago, Gout, Neuritis, * * * remarkably effective in Neuritis. * * * for quick and effective results Allen's Rheumatic Treatment * * * Rheumatic Treatment not only gives quick relief from pains and aches, But it is intended to give complete relief—to break up the most severe and stubborn cases of Rheumatism, Neuritis, Lumbago, Gout * * *

Hundreds of unsolicited testimonials written to us * * * are positive evidence that Allen's Rheumatic Treatment has given complete cures in the most severe and stubborn cases of Rheumatism, Neuritis, Lumbago, Gout * * * Directions for Taking A dose consists of two tablets—one of each color. Simply drop one blue and one white tablet onto the tongue and swallow with a drink of water or other liquid. For very prompt relief it is advisable to crush the tablets and swallow them with a little water. Take four doses per day for the first two or three days, in order to get the treatment thoroughly into the system at once and stop all pains and aches immediately, then just take three doses per day as long as necessary to obtain permanent results. * * * Special Directions: Very old people, people who are in very poor health, those who naturally have a frail or delicate constitution, and anyone who finds the full dose a trifle too strong, should not lay the treatment aside, but simply take a smaller dose. * * * Rheumatic Treatment gives quick and wonderful relief from the awful pains and aches suffered by those who are afflicted with Rheumatism, Neuritis, Lumbago, Gout and * * * it does not contain * * * any drug prohibited by the Pure Food and Drug Act. * * * wonderful relief from pains and aches * * * The excellent results obtained as pain relievers in all Rheumatic and Neuralgic diseases * * * for pains and aches in the following common ills: * * * Toothache, Earache, Locomotor Ataxia Pains, Migraine, Fever (Feverish Conditions), Ovarian Pains and Pains and Aches Peculiar To Women. Those who have been suffering greatly at night time from Rheumatic or Neuritis pains, and have perhaps been unable to sleep at night for weeks at a time, will find that a dose of these tablets, taken at bedtime, will give wonderful relief, and they will be able to sleep soundly at night, free from all aches and pains. * * * Rheumatic Treatment * * * Rheumatic."

On April 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19397. Misbranding of Gray's Helpuall. U. S. v. 33 Packages of Gray's Helpuall. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27778. I. S. No. 39083. S. No. 5864.)

Examination of a drug product, known as Gray's Helpuall, from the shipment herein described having shown that the tube and carton labels and a circular shipped with the article contained statements representing that the article possessed curative and therapeutic properties which, in fact, it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On February 25, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 33 packages of the said Gray's Helpuall, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Gray Helpuall Co., from Hillsboro, N. H., on or about February 5, 1932, and had been transported from the State of New Hampshire into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Gray's Helpuall by this department showed that the article consisted essentially of a petrolatum base containing camphor, peppermint oil, and methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Tube label) "For * * * Catarrh * * * Bronchitis, Tonsillitis, Rheumatism, * * * For Sore Throat and Croup, * * * For other ailments * * * effective * * * preparation for the relief of * * * Tonsillitis, Bronchitis, Sore Throat, Rheumatism, * * * Eczema, Piles;" (retail carton) "Effective * * * preparation for the relief of * * * Tonsillitis, Bronchitis, Sore Throat, Rheumatism, * * * Eczema, Piles, * * * Helpuall, * * * for Relieving Inflammation * * * For * * * catarrh insert Helpuall in each nostril * * * For * * * bronchitis, tonsillitis, rheumatism, * * * etc., * * * For sore throat and croup * * * for other ailments;" (circular) "Preparation to

relieve inflammation; particularly effective in the treatment of * * * infections of the respiratory organs. * * * It is especially recommended for counteracting: * * * Tonsilitis Bronchitis Sore Throat Rheumatism * * * Eczema Piles * * * Acts Through the Pores * * * has the penetrative property of being readily absorbed by the pores of the skin. Through this action Helpuall reaches the inner tissues and its highly curative qualities tend to counteract inflammation. * * * It will penetrate thoroughly. In severe cases a compress of hot cloths to open pores before using Helpuall is of extreme value. * * * Catarrh (Nasal) * * * Bronchitis * * * Sore Throat, Tonsilitis, Quincy * * * In extreme cases * * * Rheumatism, * * * Rub in thoroughly to the painful area. * * * Applications of the hot Helpuall should be made every hour until relieved. Caked or Swollen Breasts * * * The curative qualities embodied in Helpuall will * * * relieve the inflammation. * * * sore spot. * * * open sores * * * apply Helpuall * * * Eczema Treat skin with Helpuall. It is excellent for this condition. Piles For itching piles * * * apply Helpuall. It * * * relieves the inflammation. For Domestic Animals. Helpuall has been found valuable in treating many ailments in domestic animals, particularly * * * skin diseases * * * [testimonials] 'The most wonderful remedy for * * * throat trouble;' * * * 'It is fine for * * * sore throat;' * * * 'Especially good for * * * hoarseness;' * * * 'I find it very beneficial in a baby case of glandular infection and enlarged tonsils;'" (display carton) "Helpuall * * * Croup, Tonsilitis, Bronchitis, Sore Throat, Rheumatism, * * * Eczema, Piles, * * * Itching Piles, * * * Sore Throat."

On March 21, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19398. Adulteration and misbranding of improved wine of cod-liver oil with malt and hypophosphites. U. S. v. 9 Dozen Packages of Improved Wine of Cod Liver Oil with Malt and Hypophosphites. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27666. I. S. No. 42808. S. No. 5741.)

Examination of a drug product, known as improved wine of cod-liver oil with malt and hypophosphites, showed that the article did not contain the vitamins which are the therapeutically active ingredients of cod-liver oil.

On January 18, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine dozen packages of the said improved wine of cod-liver oil with malt and hypophosphites, remaining in the original and unbroken packages at Trenton, N. J., alleging that the article had been shipped by Hance Bros. & White (Inc.), Philadelphia, Pa., on or about October 21, 1931, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of phosphorus, calcium, sodium, potassium, iron, manganese, quinine, and strychnine, and sugar, alcohol, and water. Biological examination showed that the article was worthless as a source of vitamins A and D which are characteristic of cod-liver oil.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, "Wine of Cod Liver Oil, * * * The remedial * * * principles of Cod Liver Oil," since the article did not contain the vitamins A and D which are the therapeutically active ingredients of cod-liver oil.

Misbranding was alleged for the reason that the following statements, borne on the label of the product, were false and misleading, since it did not contain the active ingredients of cod-liver oil: (Carton) "Wine of Cod Liver Oil * * * The Remedial and stimulating principles of Cod Liver Oil, * * * This preparation * * * is more palatable than plain Cod Liver Oil, or emulsion of Cod Liver Oil. * * * This preparation represents the soluble and medicinal principles of Pure Cod's Liver, * * * This preparation * * * is more palatable than plain Cod Liver Oil or Emulsion of Cod Liver Oil. * * * The Alcoholic Extract of Cod Liver Oil— * * * An elegant and excellent preparation of the Extract of Cod Livers;" (bottle) "Wine of Cod Liver Oil * * * The remedial and stimulating principles of Cod Liver

Oil, * * * This preparation * * * is more palatable than pure Cod Liver Oil, or any emulsions of Cod Liver Oil."

On March 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19399. Misbranding of Dr. Hale's household tea and Dr. Hale's household ointment. U. S. v. 42 Large Packages, and 24 Small Packages of Dr. Hale's Household Tea, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27669, 27670. I. S. Nos. 31594, 31595. S. No. 5697.)

Examination of the drug products herein described having shown that the labeling contained statements representing that the articles possessed curative and therapeutic properties which, in fact, they did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On January 19, 1932, the United States attorney filed in the District Court for the district aforesaid libels praying seizure and condemnation of 42 large and 24 small packages of Dr. Hale's household tea, and 39 large and 18 small packages of Dr. Hale's household ointment, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been shipped by the Kenyon & Thomas Co., from Adams, N. Y., on or about August 16, 1931, and had been transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples by this department showed that Dr. Hale's household tea consisted essentially of senna leaves, buckthorn bark, galium, teucrium and berberis; and that the household ointment consisted of volatile oils such as turpentine oil, thyme oil, and camphor, incorporated in an ointment base such as petrolatum.

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the said articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Dr. Hale's household tea, carton) "The Great Blood Purifier And Nerve Tonic * * * Directions * * * Continue this treatment daily until fully restored to health. * * * As the blood becomes purified * * * you feel that it is a pleasure to live in the enjoyment of perfect health. * * * Reasons Why you Should Use Dr. Hale's Household Tea * * * It is Nature's Remedy, * * * It acts upon the Blood, changing it to a healthy condition. * * * It stimulates the Liver and Kidneys to a healthy action. * * * It is the finest nerve Tonic * * * It gives tone to the stomach and Digestive Organs. * * * Everybody Should use it to enjoy perfect health;" (circular) "Dr. Hale's Household Tea The Great Blood Purifier And Nerve Tonic. * * * A Certain and Quick Relief for Biliousness, Torpid Liver, Indigestion, * * * Dyspepsia in all forms, Nervous Debility, Exhaustion, Nervous Prostration, Kidney Trouble, Incontinence of Urine, Female Weakness, Scrofula, and all troubles arising from an impure state of the blood, Sluggish Action of the Liver and Kidneys or disarrangement of the Nervous System. Dr. Hale's Household Tea is a remedy, acting upon the secretions of the system, restoring to health, and leaving nothing to be desired. Dr. Hale's Household Tea * * * is one of the finest and purest Nerve Tonics known to man. * * * Continue the treatment daily until finally restored to health. * * * As the blood becomes purified * * * you feel that it is a pleasure to live in the enjoyment of perfect health. * * * In stubborn cases * * * the quantity may be increased, * * * Are you Bilious? Take Dr. Hale's Household Tea. * * * Do you feel Weak, Tired and Languid? Dr. Hale's Household Tea will give you strength. Do you lack Energy, Vigor and Nerve Power? Dr. Hale's Household Tea will restore vitality and impart vigor and strength to the entire system. A Word To Ladies Are You Suffering from Weakness? Dr. Hale's Household Tea * * * will surely give you health and strength. It is the greatest restorative medicine, making the weak strong. Rheumatism, Neuralgia and all Skin Diseases are quickly relieved by Dr. Hale's Household Tea * * * Ladies, do you desire a Clear Complexion? If so, take Dr. Hale's Household Tea. [Similar statements appear in foreign languages];" (Dr. Hale's household ointment, jar label) "For Catarrh, Eczema, Piles, etc.;" (carton) "Used for Catarrh, Eczema, Piles, Etc.;" (circular)

"Relieves Pain and Allays Inflammation A Remedy of Wonderful merit, for the relief of Salt Rheum, Eczema, Erysipelas, Ring Worm, Tetter, Scaly or Itching Eruptions of the Skin and all Scaly Eruptions, Itching and Irritations of the Scalp, Scald Head, Scrofulous Ulcers, Sores and Discharging Wounds, Rheumatism, Lame Back, Neuralgia, Headache, Sciatica, * * * Contraction of the Muscles and Cords, Piles, Catarrh, Croup and Hoarseness. * * * for relieving pain and reducing inflammation. * * * General Directions For Using. This Ointment may be applied to any part of the external surface * * * It may be used to impart strength and suppleness to the muscles. It may be swallowed in Throat affections and diseases of the lungs, in quantities * * * It may be inserted in the nostrils, * * * for Catarrh. It Has Cured Catarrh Where Many Other Remedies Have Failed. In all cases of Rheumatism, Neuralgia, Lame Back, Sideache, Headache and all acute pains, the Ointment should be thoroughly applied * * * On Children, Is of Marvelous Efficacy. Croup—In this dangerous disease, a speedy cure is effected * * * Catarrh— * * * It relieves this trouble very quickly and soon effects a cure. Eczema—Salt Rheum, Erysipelas and Every Skin Eruption, yields readily * * * It does not dry up these diseases but extracts the poison and heals rapidly. Try this Ointment for Erysipelas, Eczema, Salt Rheum * * * It Surely Cures. Piles—Are relieved immediately and soon cured by a free use * * * Sore Throat—Spread a thick coating of the Ointment * * * Inflamed Sore Eyes— * * * It takes out all inflammation and heals quickly. Corns— * * * for the cure of corns and sore feet. * * * It has cured Rheumatism in the feet * * * Cold feet or numb limbs are readily cured * * * Neuralgia and Rheumatism—Yield at once to the influence * * * It has cured the worst cases of neuralgia in three minutes and there is no return of the pain. It does not scatter pain to other localities but cures at once. Rheumatic pains and acute Rheumatism are relieved as if by magic. Ulcerated Sores, Scrofulous * * * Scald Head are obstinate affections and will require perseverance to effect a cure. * * * It will reduce the inflammation, extract all the irritating humors and heal the sores without endangering the health. * * * Ague in the Face or Breast—Is speedily cured * * * Earache * * * Rupture—Apply the Ointment freely * * * is very strengthening and has been known to cure this trouble. * * * For the Use of Ladies—For weak back, it is most excellent. For Ulceration of the Womb, Leucorrhoea or inflamed condition of the parts apply * * * has effected remarkable cures. * * * Headache— * * * powerful in allaying pain, reducing inflammation and curing all skin diseases, * * * with benefit, in all throat and bronchial affections. No Other Remedy Can Take its Place in Throat and Lung Affections. * * * Use this Ointment for Catarrh. * * * cure of Piles, this Ointment is unexcelled. * * * and It Cures. * * * Facts To Be Remembered. It is unexcelled for catarrh. Lame back vanishes at its use. It has cured chilblains in one night. It acts on Piles like magic, * * * It has cured Salt Rheum and Eczema * * * It is fine for Neuralgia and Rheumatism * * * [Testimonial] 'My wife has been cured of Rheumatism,'"

On February 27 and June 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19400. Conspiracy to violate the laws of the United States in the shipment of adulterated and misbranded fluidextract of ginger. U. S. v. Max Reisman, Harry Gross, and Hub Products Co. (Inc.). Plea of guilty by Harry Gross. Sentenced to two years' imprisonment. Sentence suspended. Suspended sentence revoked. Plea of guilty by Max Reisman, sentenced to two years' imprisonment. Sentence suspended. Plea of guilty by Hub Products Co. (Inc.). Fine, \$1,000. Adulteration and misbranding of fluidextract of ginger. U. S. v. Harry Gross and the Hub Products Co. (Inc.). Pleas of guilty. Fines, \$2. U. S. v. Harry Gross (Fulton Specialty Co.). Plea of guilty. Fine, \$1. (F. & D. Nos. 26611, 26612. I. S. Nos. 026447, 026454, 026588, 030573, 030575, 035266, 035267, 035268, 035269, 037416, 037417, 037418, 037730, 037859.)

As the result of investigations, conducted by representatives of the United States Government, of several interstate shipments and other transactions involving alleged fluidextract of ginger, the grand jurors of the United States, upon presentment by the United States attorney, returned on February 20,

1931, in the Federal District Court for the district of Massachusetts, an indictment against Max Reisman and Harry Gross, of Boston, Mass., and the Hub Products Co. (Inc.), a corporation, Boston, Mass. The indictment charged that on or about June 1, 1928, and continuously between that date and February 1, 1931, the defendants had conspired, combined, confederated, and agreed together to commit certain offenses against the laws of the United States including the offenses against the Federal food and drugs act, of shipping from one State to another State large quantities of adulterated and misbranded drugs, consisting of approximately 1,000 gallons of a product called "fluid extract of ginger," and sometimes called "Liquid Medicine in Bulk," which differed from the standard of strength, quality, and purity as determined by the tests laid down in the United States Pharmacopoeia for fluidextract of ginger.

It was further charged in the indictment that the defendants, Harry Gross and the Hub Products Co. (Inc.), in furtherance of said conspiracy and to effect its objects, had shipped into Kansas, Ohio, Georgia, and Rhode Island, in their own names or in the name of the Fulton Specialty Co., various shipments of the said fluidextract of ginger, between the approximate dates of December 4, 1929, and March 13, 1930, and that Max Reisman had committed a certain act in furtherance of the said conspiracy.

On April 10, 1931, defendant Gross retracted a plea of not guilty, formerly entered, and pleaded guilty to the indictment on his own behalf and as president of the Hub Products Co. (Inc.). The court sentenced defendant Gross to imprisonment for two years, and imposed on the Hub Products Co. (Inc.), a fine of \$1,000. The sentence of Harry Gross was ordered suspended. The suspended sentence of Gross was later revoked and he was committed to jail.

On May 4, 1931, defendant Max Reisman having retracted a former plea of not guilty and having entered a plea of guilty of the indictment, the court sentenced said Reisman to two years' imprisonment, which sentence was ordered suspended.

Investigations made by this department, with the object of bringing criminal prosecutions for violations of the food and drugs act, resulted in the obtaining of records of 14 separate interstate shipments of the alleged fluidextract of ginger, which shipments were made by the said Harry Gross and Hub Products Co. (Inc.), during the period covered by the above-mentioned conspiracy. Analyses showed that the product was not a pharmacopoeial product, rosin being found present in the article, and in most instances a phenolic compound also was found, two ingredients not normal to fluidextract of ginger, and not present in the pharmacopoeial product. The product in most of the shipments contained less of the material derived from ginger than provided by the pharmacopoeia, and some were deficient in alcohol content.

On December 3, 1931, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against Harry Gross and the Hub Products Co., a corporation, Boston, Mass., alleging shipment by said defendant and by said company, in violation of the food and drugs act, of 11 consignments of the said fluidextract of ginger, 2 of the consignments having been made from the State of Massachusetts into the State of Georgia, on or about February 15, 1930, and March 3, 1930, and the remaining consignments having been made from the State of Massachusetts into the State of Missouri on various dates between February 1, 1930, and March 17, 1930. The article in the said 11 consignments was in barrels and was labeled in part: "Order of Hub Products Co. * * * Liquid Medicine in Bulk" or "Liquid Medicine," and had been invoiced, "Fluid Extract of Ginger U. S. P."

On December 3, 1931, the United States attorney also filed an information against Harry Gross, trading as the Fulton Specialty Co., Boston, Mass., alleging shipment of three lots of fluidextract of ginger from Massachusetts into the State of Rhode Island, the said shipments having been made on or about February 5, February 6, and March 7, 1930. These three consignments were contained in bottles labeled in part: "Fulton Brand Fluid Extract of Ginger U. S. P. Alcohol approx. 83%."

Adulteration of the article was alleged in the informations for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation of the article, in that most of the said shipments contained

rosin and a phenol compound, which substances the pharmacopoeia does not mention as normal constituents of fluidextract of ginger; portions of the article also differed from the standard of strength, quality, and purity as determined by the said pharmacopoeia in that the pharmacopoeia provides that 1,000 grams of ginger shall yield 1,000 cubic centimeters of fluidextract of ginger, whereas the said portions of the article were deficient in material derived from ginger; the pharmacopoeia prescribes that the article shall contain not less than 78 per cent of alcohol by volume, whereas certain lots contained less than prescribed; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the article fell below the professed standard and quality under which it was sold, in that it was represented to be fluidextract of ginger which conformed to the standard laid down in the United States Pharmacopoeia, whereas it did not.

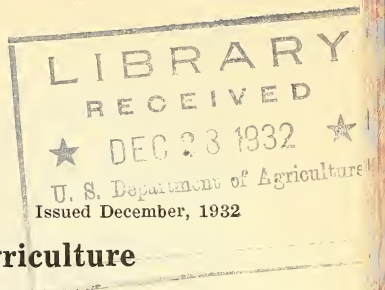
Misbranding was alleged for the reason that the article was a product prepared in imitation of fluidextract of ginger U. S. P. and was offered for sale and sold under the name of another article, to wit, fluidextract of ginger U. S. P. Misbranding was alleged with respect to all consignments of the article, with one exception, for the further reason that it contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein, since no statement was made on the labels of the greater portion of the article, and the statement made on the labels of the bottled product was incorrect.

On January 25, 1932, defendant Harry Gross entered pleas of guilty to both informations and the court assessed a nominal fine of \$1 in each case. Harry Gross also entered a plea of guilty as president of the Hub Products Co., and the court imposed a fine of \$1 against the said company.

ARTHUR M. HYDE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 19351-19400

Acco-balm:	N. J. No.	Magnesium citrate solution:	N. J. No.
Clark, A. C., Co.....	19374	Sterling Magnesia Co. (Inc.).....	19373
Acid acetylsalicylic capsules:		Martin's, Mike, liniment:	
Vale Chemical Co.....	19392	Vasco Products (Inc.).....	19376
Allen's rheumatic treatment:		Mercury protiodide tablets:	
Allen, Hart M., Laboratories.....	19396	Physicians' Chemical & Drug Co.....	19380
Bradfield's, Dr., female regulator:		Mineral water:	
Bradfield Regulator Co.....	19353	Geneva Mineral Springs.....	19388
Bromide, triple, tablets:		Morphine sulphate carpules:	
Vale Chemical Co.....	19392	Cook Laboratories (Inc.).....	19375
Caffeine and sodium benzoate:		Morrison's Old English liniment:	
Cook Laboratories (Inc.).....	19375	Foster, James W., Co.....	19351
Cal-So-Dent:		Nau's dyspeptic relief:	
Calsodent Co. (Inc.).....	19386	Nau, Frank (Inc.).....	19372
Capillaris-X:		Nestor emulsion of pure cod-liver oil:	
Capillaris Manufacturing Co.....	19366	Nestor Drug & Chemical Co.....	19355
Choleate compound tablets:		Neuralgia gripple tablets:	
Vale Chemical Co.....	19392	Vale Chemical Co.....	19392
Clotol:		Nitroglycerin carpules:	
Merrell, Wm. S., Co.....	19379	Cook Laboratories (Inc.).....	19375
Cocaine hydrochloride carpules:		O and O medicine:	
Cook Laboratories (Inc.).....	19375	Pabst Chemical Co.....	19358
Cod-liver oil, improved wine of, with malt and hypophosphites:		Pabst, Fridolin.....	19358
Hance Bros. & White (Inc.).....	19398	Pabst's O. K. specific:	
Nestor emulsion:		Pabst Chemical Co.....	19357, 19369
Nestor Drug & Chemical Co.....	19355	Pabst, Fridolin.....	19357
Colwells hormones solution:		Peroxide of hydrogen:	
Colwell Pharmacal Corporation.....	19378	Royal Manufacturing Co. of Duquesne.....	19381
Dead Shot:		Phenolphthalein wafers:	
Dead Shot Co.....	19382	Vale Chemical Co.....	19392
Denn's Strong, Safe, and Speedy remedy:		Phosphorcin:	
Denn's Rheumatic Cure Co.....	19395	Biddle Purchasing Co.....	19352
Owl Medicine Co.....	19395	Eimer & Amend.....	19361
Doz-It:		Planters Cuban oil:	
Farmers Medicated Stock Salt Co.....	19354	Planter Medicine Co.....	19391
Epinephrine carpules:		Procaine and epinephrine carpules:	
Cook Laboratories (Inc.).....	19375	Cook Laboratories (Inc.).....	19375
Ergot carpules:		Quinine sulphate tablets:	
Cook Laboratories (Inc.).....	19375	Physicians' Chemical & Drug Co.....	19380
Ergotole:		Vale Chemical Co.....	19392
Sharp & Dohme (Inc.).....	19364, 19377	Rheumatico, elixir:	
Ether:		Vale Chemical Co.....	19392
Mallinckrodt Chemical Works.....	19362	Salol tablets:	
Merck & Co. (Inc.).....	19384	Physicians' Chemical & Drug Co.....	19380
Flucine:		San-Cura ointment:	
Sawyer, D. R., Co. (Inc.).....	19356	Thompson Medical Co.....	19370
Gastric ulcer (Sippy) tablets:		Sodium benzoate carpules:	
Vale Chemical Co.....	19392	Cook Laboratories (Inc.).....	19375
Ginger, fluidextract:		Sozodont liquid:	
Fulton Specialty Co.....	19400	Block Drug Co.....	19365
Gross, Harry.....	19400	Hall & Ruckel (Inc.).....	19365
Hub Products Co. (Inc.).....	19400	Stomach-Rite:	
Land Drug Co.....	19394	Wilbur, Dr. John, Daughter Co.....	19368
Linet, Frank E.....	19394	Strychnine sulphate carpules:	
Reisman, Max.....	19400	Cook Laboratories (Inc.).....	19375
Glicolodina:		Takara hygienic powder:	
Drug Co. of Puerto Rico (Inc.).....	19387	Takara Laboratories.....	19371
Gly-Cas:		Triple bromide tablets:	
Glycas Medicine Co.....	19367	Vale Chemical Co.....	19392
Glyco-tan-phen-e:		Uri-Tox:	
Hagedon Chemical Co.....	19360	Wilbur, Dr. John, Daughter Co.....	19368
Gray's Helpuall:		Vege-Lene stomach and liver pills:	
Gray Helpuall Co.....	19397	Vege-Lene Co. (Inc.).....	19383
Hale's, Dr., household ointment:		Vigorex tablets for men:	
Kenyon & Thomas Co.....	19399	Roldan, J. A., Co.....	19389
household tea:		for women:	
Kenyon & Thomas Co.....	19399	Roldan, J. A., Co.....	19389
Improved wine of cod liver oil with malt and hypophosphites:		Vinco herb tablets:	
Hance Bros. & White (Inc.).....	19398	Vinco Herb Co.....	19385
Iron arsenite carpules:		Ward's kidney and backache pills:	
Cook Laboratories (Inc.).....	19375	Ward's, Dr., Medical Co.....	19363
colloidal with arsenic ampuls:		kidney and bladder medicine:	
Fitch, William A., (Inc.).....	19390	Ward's, Dr., Medical Co.....	19363
Keros:		medicated poultry tonic:	
Continental Laboratories.....	19359	Ward's, Dr., Medical Co.....	19363
Laxative cold tablets:		roup and white diarrhoea remedy:	
Royal Manufacturing Co.....	19381	Ward's, Dr., Medical Co.....	19363
MacDonald's, Dr., Atlas compound:		stock tonic:	
Royal Drug Co.....	19393	Ward's, Dr., Medical Co.....	19363



United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19401-19450

[Approved by the Secretary of Agriculture, Washington, D. C., December 5, 1932]

19401. Adulteration and alleged misbranding of canned salmon. U. S. v. 981 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24979. I. S. No. 1043. S. No. 3320.)

Samples of canned salmon from the shipment herein described having been found to be decomposed, and the label on the case containing the article having been found to bear unwarranted health claims, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On August 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 981 cases of canned salmon at Chicago, Ill., alleging that the article had been shipped by the Farwest Fisheries (Inc.), from Seward, Alaska, on or about July 31, 1930, and had been transported from the Territory of Alaska into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cases) "S/S 23 Canned Salmon Year Round Sea Food Eat More Canned Salmon Nature's Health Insurance."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement, "Canned Salmon Nature's Health Insurance," was false and misleading. Misbranding was alleged for the further reason that the statement, "Canned Salmon Nature's Health Insurance," borne on the label, was false and fraudulent.

On February 5, 1932, the Farwest Fisheries (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture. The decree provided that the product be released to the said claimant, for the purpose of separating the good portion from the bad portion under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act, or the laws of any State, Territory, district, or insular possession. A further condition of the bond was that the unfit portion of the product be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19402. Adulteration and misbranding of butter. U. S. v. Klamath Falls Creamery. Plea of guilty. Fine, \$10. (F & D. No. 26643. I. S. No. 11498.)

Samples of butter from the shipment herein described were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress. Sample cartons were found to contain less than 1 pound, the declared weight.

On October 27, 1931, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the District of Oregon an information against the Klamath Falls Creamery, a corporation, at Klamath Falls, Oreg., alleging shipment by said company in violation of the food and drugs act as amended, on or about March 2, 1931, from the State of Oregon into the State of California, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Weight One Pound Crater Lake Butter * * * Manufactured by Klamath Falls Creamery Klamath Falls Oregon."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight or milk fat had been substituted for a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "Weight One Pound," borne on the packages containing the article, were false and misleading in that they represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, and that each of the packages contained 1 pound by weight thereof; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, and that each of the packages contained 1 pound by weight thereof; whereas it contained less than 80 per cent by weight of milk fat and the packages contained less than 1 pound by weight of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 30, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19403. Adulteration and misbranding of canned tomatoes. U. S. v. 49 Cartons of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25195. I. S. No. 8802. S. No. 3445.)

Examination of samples of canned tomatoes from the shipment herein described showed that the article contained puree, pulp, or juice from skins and cores, also that there was considerable decomposition in the product.

On October 8, 1930, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 49 cartons of the said canned tomatoes, remaining in the original unbroken packages at Olean, N. Y., alleging that the article had been shipped by W. E. Robinson & Co., Federalsburg, Md., September 12, 1930, and had been transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, "Robinson Brand Tomatoes * * * Packed for W. E. Robinson & Co., Belair, Md.," and bore a cut showing red ripe tomatoes.

It was alleged in the libel that the article was adulterated in that puree, pulp, or juice had been substituted partly for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that the article consisted partly of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the statement "Tomatoes," and the design or device of red ripe tomatoes, appearing on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 15, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19404. Adulteration and misbranding of butter. U. S. v. 14 Cases, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26488, 26499, 26718. I. S. Nos. 31013, 31014, 16531. S. Nos. 4804, 4817, 4863.)

Samples of butter from the shipments herein described were found to be short of the declared weight. Portions of the article were also found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On June 10, June 13, and June 27, 1931, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, libels praying seizure and condemnation of 34 cases and 20 cartons of butter at Washington, D. C., alleging that the article had been shipped by the Paul A. Schulze Co., from St. Louis, Mo., in various consignments, on or about June 1, June 3, and June 11, 1931, and had been transported from the State of Missouri into the District of Columbia, and charging that a portion of the article was misbranded, and that the remainder thereof was adulterated and misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Sunshine Valley Butter * * * Contents One Pound Packed Exclusively For Sunshine Valley Product Co., St. Louis, Mo."

Adulteration was alleged in the libel with respect to the 20 cases of the product shipped June 3, 1931, for the reason that a substance deficient in butterfat had been substituted wholly or in part for the article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged with respect to the 20 cartons of the product shipped June 11, 1931, for the reason that a substance containing less than 80 per cent of milk fat had been substituted in whole or in part for butter, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter," with respect to portions, and the statement "Contents One Pound," with respect to all lots of the article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to all lots of the article for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct. Misbranding was alleged with respect to a portion of the article for the further reason that it was offered for sale under the distinctive name of another article.

On July 20, 1931, the Paul A. Schulze Co., St. Louis, Mo., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19405. Misbranding and alleged adulteration of malt sprouts. U. S. v. 847 Sacks of Feeding Stuff, Malt Sprouts No. 2. Product adjudged misbranded. Released under bond to be relabeled. (F. & D. No. 27367. I. S. No. 19602. S. No. 5543.)

Samples of a product, invoiced as "Malt Sprouts No. 2," from the shipment herein described were found to contain barley hulls and other foreign material. The sacks containing the article failed to bear a statement of the quantity of the contents.

On December 14, 1931, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 847 sacks of a feeding stuff, invoiced "Malt Sprouts No. 2," remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped on or about September 5, 1931, by Anheuser-Busch (Inc.), from St. Louis, Mo., and had been transported in interstate commerce from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that barley hulls and other foreign materials had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the product was sold under the distinctive name of another article, and for the further reason that it was food in package form and did not bear a plain and conspicuous statement of the quantity of contents.

On January 14, 1932, R. L. Wiles & Co., Nashville, Tenn., having appeared as claimant for the property, a decree was entered finding the product misbranded, and ordering that it be released to the said claimant upon the execution of a bond in the sum of \$600, conditioned that claimant pay costs, that the product be labeled "Barley Hulls, malt sprouts and screenings," and with a plain and conspicuous statement of the quantity of the contents, and that it should not be sold or otherwise disposed of contrary to the laws of the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19406. Adulteration of dried cling peaches. U. S. v. 163 Boxes of Dried Cling Peaches. Product released under bond to be salvaged. Unfit portion destroyed. (F. & D. No. 27387. I. S. No. 41081. S. No. 5580.)

Samples of dried cling peaches from the shipment herein described having been found to be decayed, dirty, and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On December 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 163 boxes of dried cling peaches, remaining in the original and unbroken boxes at St. Louis, Mo., alleging that the article had been shipped on or about November 2, 1931, by Bonner Packing Co., from Fresno, Calif., and had been transported in interstate commerce from the State of California into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Orchard Run Cling Peaches."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On January 12, 1932, J. W. Teasdale & Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, and the court having found that a portion of the product was fit for human consumption and could be separated from the unfit portion, a decree was entered ordering that the said product be released to the claimant, upon the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act, or all other laws, and that the unfit portion be destroyed. It was further ordered that claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19407. Adulteration of celery. U. S. v. 20 Crates of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28707. I. S. No. 30739. S. No. 4852.)

Arsenic having been found on samples of celery taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about June 5, 1931, by the Sanford-Oviedo Truck Growers Association (Sanford-Oviedo Truck Growers (Inc.)) from Avon Park, Fla., and had been transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On July 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19408. Adulteration and misbranding of canned cane sirup. U. S. v. 83 Cases, et al., of Canned Cane Sirup. Product ordered released under bond to be relabeled, in lieu of destruction or sale. (F. & D. No. 26826. I. S. Nos. 36167, 36168. S. No. 4998.)

Examination of two lots of alleged open kettle sugar cane sirup involved in this action showed that the article contained undeclared added molasses, that it was not open kettle sirup, and that the cans in one lot contained less than the declared volume.

On August 1, 1931, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 108 cases of canned cane sirup, remaining in the original unbroken packages at Tupelo, Miss., alleging that the article had been shipped by Chauvin Bros. Preserving Co., Burnside, La., on or about June 9, 1931, and had been transported from the State of Louisiana into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Louisiana Maid Pure Cane Syrup, Planters Syrup Company * * * New Orleans, La.;" (portion of cans) "Contents Three Quarts Eight Fluid Ounces." The can labels also bore a picture of an open kettle.

It was alleged in the libels that the article was adulterated in that a substance other than pure cane sirup, namely, molasses, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for pure cane sirup, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Louisiana Maid Pure Cane Syrup Cooked in Open Kettles," together with the picture of an open kettle, appearing on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of each can, since the said cans were labeled as containing 3 quarts and 8 fluid ounces of the article, whereas the said statement was false and incorrect, each of said cans containing a less amount.

On October 14, 1931, the cases having been consolidated and the Planters Syrup Co., New Orleans, La., having appeared as claimant for the property, a decree was entered ordering that the product be delivered to the said claimant to be repacked and relabeled so that it conform to the Federal food and drugs act, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned according to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19409. Misbranding of canned cherries. U. S. v. 16 Cases of Canned Cherries. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 27665. I. S. No. 32183. S. No. 5737.)

Examination of canned cherries in the shipments herein described showed that the article fell below the standard promulgated by the Secretary of Agriculture, in that it consisted of water-packed cherries and was not labeled to show that it was substandard.

On January 18, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 cases of canned cherries, remaining in the original packages at Roswell, New Mex., alleging that the article had been shipped in part on or about October 8, 1931, and in part on or about November 2, 1931, by Libby, McNeill & Libby, from Rocky Ford, Colo., and had been transported in interstate commerce from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Hostess Brand Pitted Red Cherries Packed by Libby, McNeill & Libby, Chicago, U. S. A."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it was water-packed cherries and its package or label did not bear a plain and conspicuous statement indicating that it was substandard.

On February 23, 1932, Libby, McNeill & Libby, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant for relabeling upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act, or the laws of any State, Territory, district, or insular possession. It was further ordered that the relabeling be conducted under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19410. Misbranding of canned peas. U. S. v. 1,132 Cases, et al., of Canned Peas. Judgments entered ordering product released under bond to be relabeled. (F. & D. Nos. 27328, 27343. I. S. Nos. 44362, 44363. S. Nos. 5476, 5500.)

Samples of canned peas from the shipments herein described having been found to fall below the legal standard for the article, in that they contained an excessive amount of hard peas, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On December 1, 1931 and December 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,528 cases of canned peas, remaining in the original and unbroken cases at St. Louis, Mo., alleging that the article had been shipped in part on or about October 16, 1931, and in part on or about October 22, 1931, by H. M. Crites & Co., from Circleville, Ohio, and had been transported in interstate commerce from the State of Ohio into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Crites Best Brand Garden Peas, [or "Peace Brand Garden Peas"] * * * H. M. Crites & Co., Packers & Distributors, Circleville, Ohio."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it contained an excessive amount of hard peas and its package or label did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture, indicating that such canned food fell below such standard.

On January 20, 1932, H. M. Crites & Co., Circleville, Ohio, claimant, having admitted that the product was misbranded, and the court having found that the said product was fit for sale and consumption provided it first be labeled with a statement prescribed by the Secretary of Agriculture showing that it was substandard, decrees were entered ordering that the product be released to the said claimant upon payment of costs and the execution of bonds in the total amount of \$2,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19411. Adulteration of dressed herring. U. S. v. 1 Box, et al., of Dressed Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28031, 28246. I. S. Nos. 52169, 55758. S. Nos. 6061, 6099.)

Samples of dressed herring from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 1, 1932 and April 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of four boxes of dressed herring at Chicago, Ill., alleging that the article had been shipped by John Sorvick, from Two Harbors, Minn., in part on or about March 27, 1932, and in part on or about March 31, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19412. Adulteration of canned salmon. U. S. v. 52 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 27408, 27413. I. S. Nos. 45737, 45738. S. Nos. 5617, 5618.)

Samples of canned salmon from the shipment herein described having been found to be partly decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On December 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 52 cases of canned salmon, remaining in the original and unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about November 2, 1931, by Libby, McNeill & Libby, from Seattle, Wash., and had been transported in interstate commerce from the State of Washington into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Happy-Vale Brand Pink Salmon * * * Packed for Emery Food Co., Chicago, U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 2, 1932, the Emery Food Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the said claimant, upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act, and all other laws. It was further ordered by the court that the portion of the product which was found to be fit for human consumption be released, and that the unfit portion be disposed of as directed by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19413. Adulteration of bluefin herring. U. S. v. 2 Boxes of Bluefin Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28032. I. S. No. 52152. S. No. 6071.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 5, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two boxes of herring at Chicago, Ill., alleging that the article had been shipped by A. Fjeran, from Two Harbors, Minn., on or about March 30, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19414. Adulteration of apple pomace. U. S. v. 1,050 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27899. I. S. Nos. 50017-50021, incl. S. No. 5934.)

Samples of apple pomace from the shipments herein described having been found to contain arsenic, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On March 12, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,050 bags of apple pomace at Chicago, Ill., alleging that the article had been shipped by M. Steffen & Co., from Coloma, Mich., in various consignments, on or about October 20, October 22, October 27, November 2, 1931, and February 1, 1932, respectively, and had been transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, to wit, arsenic, in an amount which might render the article injurious to health.

On May 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19415. Adulteration of apples. U. S. v. 50 Boxes and 31 Boxes, More or Less, of Delicious Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28253. I. S. Nos. 44195, 44196. S. No. 6102.)

Arsenic having been found on the apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 81 boxes of apples at Chicago, Ill., alleging that the article had been shipped by the Universal Fruit Co. (Inc.), from Wenatchee, Wash., on or about February 16, 1932, and had been transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, to wit, arsenic, in an amount which might render the article injurious to health.

On May 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19416. Adulteration of herring. U. S. v. 1 Box, et al., of Herring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28033, 28244. I. S. Nos. 52166, 52168. S. Nos. 6072, 6097.)

Samples of herring from the shipments herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 5, 1932 and April 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of three boxes of herring at Chicago, Ill., alleging that the article had been shipped by Ed Ness from Two Harbors, Minn., on or about March 31, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On May 10, 1932, and May 11, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19417. Adulteration of herring. U. S. v. 1 Box of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28248. I. S. No. 52161. S. No. 6101.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one box of herring at Chicago, Ill., alleging that the article had been shipped by O. M. Petersen, from Two Harbors, Minn., on or about March 31, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adultera-

tion was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19418. Adulteration of herring. U. S. v. 1 Box of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28030. I. S. No. 53830. S. No. 6060.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On March 26, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one box of herring at Chicago, Ill., alleging that the article had been shipped by I. Jacobson, from Two Harbors, Mich. (Minn.), on or about March 21, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19419. Adulteration of apples. U. S. v. 175 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27319. I. S. Nos. 17728, 17729. S. No. 5493.)

Arsenic and lead having been found on samples of apples taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On November 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 175 boxes of apples, remaining in the original packages at Harlingen, Tex., alleging that the article had been shipped on or about October 31, 1931, by the Pacific Fruit & Produce Co., from Wenatchee, Wash., and had been transported from the State of Washington into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Snoboy Brand Wenatchee Apples * * * Distributed by Pacific Fruit & Produce Co., Seattle, Washington."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, which ingredients might have rendered said article injurious to health.

In April, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19420. Adulteration of dried Zinfandel grapes. U. S. v. 965 Cases of Dried Zinfandel Grapes (Raisins). Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26739. I. S. No. 22819. S. No. 4886.)

Samples of dried grapes from the shipment herein described having been found to be insect-infested, moldy, and dirty, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On July 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 965 cases of dried Zinfandel grapes (raisins), remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been shipped on or about June 11, 1931, by the Sunland Sales Cooperative Association, from San Francisco, Calif., and had been transported in interstate commerce from the State of California into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Dried Zinfandel Black Grapes Grown and Packed in California U. S. A."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 29, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19421. Adulteration of dried apples. U. S. v. 2,000 Pounds of Dried Apples. Product released under bond to be salvaged. Unfit portion destroyed. (F. & D. No. 27645. I. S. No. 41716. S. No. 5666.)

Examination of samples of dried apples from the shipment herein described having shown the product to be in part insect-infested, decayed, and dirty, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On January 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2,000 pounds of dried apples at St. Louis, Mo., alleging that the article had been shipped on or about October 29, 1931, by G. B. Shafer, Prairie Grove, Ark., and had been transported in interstate commerce from the State of Arkansas into the State of Missouri, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On February 1, 1932, J. W. Teasdale & Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, and the court having found that a portion of the product was fit for human consumption and could be separated from the unfit portion, a decree was entered ordering that the product be released to the said claimant, upon the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act, or all other laws, and that the unfit portion be destroyed. It was further ordered that claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19422. Adulteration of herring. U. S. v. 2 Boxes of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28247. I. S. No. 52174. S. No. 6100.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two boxes of herring at Chicago, Ill., alleging that the article had been shipped by George Pyette, from Two Harbors, Minn., on or about March 31, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19423. Adulteration of herring. U. S. v. 1 Box of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28245. I. S. No. 52171. S. No. 6098.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 7, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one box of herring at Chicago, Ill., alleging that the article had been shipped by Oscar Pedersen, from Two Harbors, Minn., on or about March 31, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19424. Adulteration of bluefin herring. U. S. v. 3 Boxes of Bluefin Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28034. I. S. No. 52142. S. No. 6073.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 1, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes of herring at Chicago, Ill., alleging that the article had been shipped by H. Mickelson from Two Harbors, Minn., on or about March 29, 1932, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19425. Misbranding of butter. U. S. v. David P. Clow (Moffat County Creamery Co.). Plea of guilty. Fine, \$5. (F. & D. No. 25730. I. S. Nos. 11991, 11992.)

Sample packages of butter taken from the shipments herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against David P. Clow, trading as the Moffat County Creamery Co., Craig, Colo., alleging shipment by said defendant, in violation of the food and drugs act as amended, in part on or about December 8, 1930, and in part on or about December 10, 1930, from the State of Colorado into the State of Wyoming, of a quantity of butter that was misbranded. The article was labeled in part: "Yampa Valley Butter * * * One Pound Net Moffat County Creamery * * * Craig, Colorado."

It was alleged in the information that the article was misbranded in that the statement "One Pound Net," borne on the packages, was false and misleading in that the said statement represented that the packages each contained 1 pound of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages each contained 1 pound of butter; whereas the packages contained less than 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 28, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19426. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 15 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25475. I. S. No. 9151. S. No. 3734.)

Samples of canned tomatoes from the shipment herein described having been found to contain added tomato puree, pulp, or juice, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of West Virginia.

On December 22, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of canned tomatoes, remaining in the original cans at Parkersburg, W. Va., alleging that the article had been shipped on or about September 12, 1930, by W. E. Robinson & Co., from Federalsburg, Md., and had been transported in interstate commerce from the State of Maryland into the State of West Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Robinson Brand Tomatoes * * * Packed for W. E. Robinson, Belair, Md. [cut of red, ripe tomatoes]."

Adulteration was alleged in the libel for the reason that tomato puree, pulp, or juice had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement made upon the containers and the cut of red, ripe tomatoes were false and misleading, since the article was composed in part of tomato puree or juice.

On June 29, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19427. Adulteration and misbranding of mustard. U. S. v. Matthew Gormanson, Michael D. Gormanson, and Oscar H. Wallin, copartners (Cook Mustard Manufacturing Co.). Plea of guilty. Fine, \$60. (F. & D. No. 25716. I. S. Nos. 014132, 014135, 029203.)

This action involved the interstate shipments of quantities of French style and prepared mustard, which were found to contain added wheat starch, mustard bran, and a coloring substance.

On May 25, 1931, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Matthew Gormanson, Michael D. Gormanson, and Oscar H. Wallin, copartners, trading as Cook Mustard Manufacturing Co., St. Paul, Minn., alleging shipment by said defendants, in violation of the food and drugs act, on or about January 27 and January 30, 1930, from the State of Minnesota into the States of South Dakota and North Dakota, of quantities of French style mustard and prepared mustard, which were adulterated and misbranded. The article was labeled in part: "French Style Mustard Flavored and Colored with Turmeric Manufactured by Cook Mustard Mfg. Co., St. Paul, Minn.;" "Prepared Mustard * * * Packed by Foley Bros. Grocery Co. Main Office St. Paul, Minn."

It was alleged in the information that the article was adulterated in that wheat starch and mustard bran had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that a coloring substance, to wit, turmeric, had been mixed with said articles in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statements, "French Style Mustard" and "Prepared Mustard," appearing on the labeling of the respective articles, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented the articles to be French style mustard and standard mustard, respectively, articles which should not contain wheat starch and mustard bran, whereas they were not French style mustard and standard mustard, since they contained wheat starch and mustard bran.

On June 22, 1931, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$60.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19428. Adulteration of frozen mixed eggs. U. S. v. 790 Cans of Frozen Mixed Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26322. I. S. No. 28747. S. No. 4653.)

Samples of frozen mixed eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On May 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-

demnation of 790 cans of the said frozen mixed eggs, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by E. B. Wright & Son (Inc.), Cincinnati, Ohio, on or about April 7, 1931, and had been transported from the State of Ohio into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Frozen Eggs Mixed E. B. Wright & Son Inc. * * * Cincinnati, O."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

H. C. Kersten, trading as H. C. Kersten & Co., Richmond, Va., appeared as claimant and filed a petition praying release of the property. On May 13, 1931, the claimant having executed a bond, conditioned that the product would not be disposed of contrary to the laws of the United States or other existing laws, the court ordered that the said product be released. On May 22, 1931, the order of release was rescinded and the product was ordered resealed. On the same date the claimant, H. C. Kersten, having admitted the allegations of the libel, a decree was entered formally adjudging the product to be adulterated and ordering its condemnation. The decree provided that the goods be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned in part that it be sorted to separate the unadulterated from the adulterated portion. On June 4, 1931, the product having been sorted and 96 cans which had been found to be decomposed having been denatured, an order was entered releasing the remainder and exonerating the bond.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19429. Adulteration and misbranding of tomato catsup. U. S. v. 16 Cases of Cairns Paisley Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26418. I. S. No. 15936. S. No. 4734.)

Samples of tomato catsup from the shipment herein described having been found to contain added gum, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of South Carolina.

On May 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 cases of tomato catsup, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by Alex Cairns & Sons (Ltd.), Baltimore, Md., on April 6, 1931, and had been transported from the State of Maryland into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Cairns Paisley Tomato Catsup, made in U. S. A., Alex Cairns and Sons Ltd., Paisley, New York, London * * * Guaranteed free from Preservatives and Coloring Matter."

It was alleged in the libel that the article was adulterated in that tomato catsup containing added gum had been substituted for the article.

Misbranding was alleged for the reason that the statement "Tomato Catsup," was false and misleading, and deceived and misled the purchaser when applied to an article containing added gum. Misbranding was further alleged for the reason that the product was offered for sale under the distinctive name of another article.

On June 25, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19430. Misbranding of cottonseed meal. U. S. v. Cairo Meal & Cake Co. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 26532. I. S. Nos. 037860, 10450, 10452.)

This action was based on the interstate shipments of quantities of cottonseed meal which was found upon analysis to contain less protein than declared on the labels.

On May 27, 1931, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Cairo Meal & Cake Co., a corporation, Cairo, Ill., alleging shipments by said company, in violation of the food and drugs act, of quantities of cottonseed meal that was misbranded. The information charged that the article had been shipped as follows: On or about March 29, 1930, from Illinois into Kentucky; on or about November 19, 1930, from Illinois into Indiana; and on or about

November 22, 1930, from Illinois into Minnesota. A portion of the article was labeled in part: "Miss Cairo Brand * * * Manufactured by Cairo Meal & Cake Company, Cairo, Illinois." The labels of the product also bore statements relative to the protein content of the article as hereinafter set forth.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43% Cotton Seed Meal * * * Guaranteed Analysis Protein, not less than 43.00%," with respect to a portion of the article; the statements "Guaranteed Analysis * * * 43% Prime Cotton Seed Meal * * * Protein (Min.) 43.00% * * * 43 Per Cent Cottonseed Meal * * * Guaranteed analysis Crude Protein, not less than 43 per cent," with respect to a portion; and "43% Protein Cottonseed Meal or Cake * * * Guaranteed Analysis Crude Protein, not less than 43.0%," with respect to the remainder, borne on the tags attached to the sacks containing the respective lots, were false and misleading; and for the further reason that the article was so labeled as to deceive and mislead the purchaser, since the said statements represented that the article had a protein content of 43 per cent; whereas it had a protein content of less than 43 per cent.

On October 20, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19431. Misbranding of cottonseed meal and cottonseed screenings. U. S. v. The Union Oil Mill (Inc.). Plea of guilty. Sentence suspended.
(F. & D. No. 26533. I. S. Nos. 012358, 18302, 18303, 18304, 18305.)

This action was based on the interstate shipment of 3 lots of cottonseed meal, 1 lot of cottonseed screenings, and 1 lot of cottonseed-cake screenings. One lot of the cottonseed meal was found to be short weight. In the remaining products, involving 4 lots, the percentage of protein was found to be below the 43 per cent claimed in the respective labels, the 4 samples analyzed having been found to contain 40.81, 40.13, 40.56, and 40.81 per cent, respectively, of protein.

On October 5, 1931, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Union Oil Mill (Inc.), a corporation, West Monroe, La., alleging shipment by said defendant, in violation of the food and drugs act as amended, of quantities of cottonseed meal, cottonseed screenings, and cottonseed-cake screenings, that were misbranded. The information charged that the articles had been shipped on or about June 13 and April 29, 1930, from Louisiana into Kansas; and on or about February 24, 1930, from Louisiana into Texas. The articles were labeled in part, variously: "Interstate Brand 43% Protein Cotton Seed Cake and Meal * * * Guaranteed Analysis * * * Protein, not less than 43% * * * Made for Interstate Feed Company, Fort Worth, Texas;" "Chickasha Prime * * * Guaranteed Analysis Protein, not less than 43% * * * Manufactured by or for Chickasha Cotton Oil Company Chickasha, Oklahoma;" "Army Brand * * * 100 Pounds Net * * * Manufactured for and guaranteed by Louis Tobian & Co. Dallas, Texas."

Misbranding was alleged in the information for the reason that the statements, borne on the tags attached to the sacks containing the articles, to wit, "43% Protein Cottonseed Cake and Meal * * * Guaranteed Analysis * * * Protein, not less than 43%," with respect to one lot of the cottonseed meal and the lot of cottonseed screenings, and the statements, "Guaranteed Analysis: Protein, not less than 43%," with respect to one lot of the cottonseed meal and the lot of cottonseed-cake screenings, were false and misleading; and for the further reason that the articles were so labeled as to deceive and mislead the purchaser, since the said statements represented that the articles had a protein content of 43 per cent; whereas they had a protein content of less than 43 per cent. Misbranding was alleged with respect to one lot of the cottonseed meal for the reason that the statement "100 Pounds Net," borne on the tags attached to the sacks containing the article, was false and misleading; and for the further reason that the article was so labeled as to deceive and mislead the purchaser, since the said statements represented that the sacks each contained 100 pounds of the article; whereas they did not, but did contain a less amount. Misbranding was alleged with respect to the said lot of cottonseed meal in which the sacks were labeled as containing 100 pounds of the article for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the sacks contained less than represented.

On October 7, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered that the imposition of sentence be suspended.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19432. Misbranding of oysters. U. S. v. Frank D. Neubert, Leo Neubert, and Charles A. Neubert (Castle Packing Co.). Plea of nolo contendere. Fines, \$30 and costs. (F. & D. No. 26544. I. S. Nos. 8821, 8824, 13446, 13502.)

This action involved the interstate shipment of quantities of oysters in cans which were represented to contain 1 gallon of the article, but which were found to contain less than so represented.

On July 24, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Frank D. Neubert, Leo Neubert, and Charles A. Neubert, a copartnership trading as the Castle Packing Co., Baltimore, Md., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, between November 18 and November 22, 1930, from the State of Maryland into the States of Pennsylvania, Indiana, and Kentucky, of quantities of oysters that were misbranded. The article was labeled in part: "Extra Selects for 'Extra Standards'"] Castle Packing Co., Baltimore, Md. Minimum Volume 1 gallon."

It was alleged in the information that the article was misbranded in that the statement "Minimum Volume 1 Gallon" was false and misleading; and for the further reason that the article was so labeled as to deceive and mislead the purchaser, in that the said statement represented that the cans each contained 1 gallon of oysters; whereas they did not, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than represented.

On September 8, 1931, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$10 and costs against each defendant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19433. Adulteration of tomato catsup. U. S. v. Earle M. Rush (Rush Canning Co.). Plea of guilty. Fine, \$10. (F. & D. No. 26596. I. S. Nos. 14253, 19667.)

This action involved the interstate shipment of quantities of tomato catsup which was found to contain excessive mold.

On August 22, 1931, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Earle M. Rush, trading as the Rush Canning Co., Bentonville, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about September 19, 1930, from the State of Arkansas into the State of Texas, and on or about October 8, 1930, from the State of Arkansas into the State of Kansas, of quantities of tomato catsup that was adulterated. The article was labeled in part: "Queen's Taste Brand Catsup * * * Packed by Rush Canning Co., Principal Office, Washburn, Mo."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On September 1, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19434. Adulteration of apples. U. S. v. 121 Baskets, et al., of Apples. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27078, 27082. I. S. Nos. 45252, 45254. S. Nos. 5325, 5326.)

Lead and arsenic having been found on samples of apples taken from the shipments herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On October 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 222 baskets of apples at Davenport, Iowa, alleging that the article had been shipped by G. F. Cadwell & Son, in part on or about September 17,

1931, from Valley City, Ill., and in part on or about November (September) 13, 1931, from Griggsville, Ill., and had been transported in interstate commerce from the State of Illinois into the State of Iowa, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Golden Delicious Biddle * * * Cleansed Apples." The remainder of the article was labeled in part: "Marsh Senator * * * Cleansed Apples."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, namely, lead and arsenic with respect to a portion, and lead arsenate with respect to the remainder, which might have rendered the article injurious to health.

On March 4, 1932, G. F. Cadwell & Son, Griggsville, Ill., claimant, having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the said claimant upon the execution of bonds totaling \$1,000, conditioned in part that the goods should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, or insular possession. It was further ordered that claimant pay all costs, including the expenses of an agent of this department to inspect and supervise the reconditioning of the product by cleansing and washing so as to remove the poisonous residue.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19435. Misbranding of wheat bran. U. S. v. 115 Sacks of Wheat Bran. Product released under bond to be properly marked. (F. & D. No. 27105. I. S. No. 41876. S. No. 5343.)

Examination of samples of wheat bran from the shipment herein described having shown that the product bore no statement of the quantity of contents, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On October 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 115 sacks of wheat bran, remaining in the original unbroken sacks at Barnhart, Mo., alleging that the article had been shipped on or about August 20, 1931, by the Aviston Milling Co., from East St. Louis, Ill., and had been transported in interstate commerce from the State of Illinois into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled: "Aviston Results guaranteed Pure Bran Analysis * * * Aviston Milling Company East St. Louis, Illinois."

It was alleged in the libel that the article was misbranded in that it was in package form and the quantity of the contents was not plainly marked on the outside of the package.

On January 16, 1932, the Aviston Milling Co., East St. Louis, Ill., having appeared as claimant and having admitted the allegations of the libel, it was ordered by the court that the product be released to said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that the said product be properly marked, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the food and drugs act or the law of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19436. Adulteration of butter. U. S. v. 6 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. No. 27135. I. S. No. 38845. S. No. 5297.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of six tubs of butter, remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been shipped by the Berlin Cooperative Creamery Association, of New Richland, Minn., having been transported in interstate commerce from the State of Minnesota into the State of Massachusetts on or about September 24, 1931, and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted

for butter, a product which should contain not less than 80 per cent of milk fat as provided by act of March 4, 1923.

On October 9, 1931, the Berlin Cooperative Creamery Association, New Richmond, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession. It was further ordered by the court that the product be reworked so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19437. Misbranding of evaporated apples. U. S. v. 14 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27345. I. S. No. 40519. S. No. 5524.)

Samples packages of evaporated apples from the shipment herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On December 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of evaporated apples, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by J. W. Blocher, from Bentonville, Ark., on or about September 22, 1931, and had been transported in interstate commerce from the State of Arkansas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping package) "50 Packages 7 ounce cartons Sulphur Bleached Evaporated Apples, Packed by J. W. Blocher;" (carton) "7 Ounce."

It was alleged in the libel that the article was misbranded in that the statement "7 Ounce" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside, since the statement made was not correct.

On January 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19438. Misbranding of canned tomatoes. U. S. v. 189 Cases of Canned Tomatoes. Decree of condemnation entered. Product released under bond. (F. & D. No. 27351. I. S. No. 17821. S. No. 5549.)

Examination of samples of canned tomatoes from the shipment herein described showed that the article was below the standard promulgated by the Secretary of Agriculture for canned tomatoes, in that it was of poor color and failed to bear a label indicating that it was substandard.

On December 8, 1931, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 189 cases of canned tomatoes at Birmingham, Ala., alleging that the article had been shipped by Dunlap Products Co. (Inc.), from Dunlap, Tenn., on or about September 14, 1931, and had been transported from the State of Tennessee into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Better Brand Hand Packed Tomatoes * * * Packed by Dunlap Products Co., Inc., Dunlap, Tenn."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality promulgated by the Secretary of Agriculture for such canned food, in that it was not normally colored and its package or label did not bear a plain and conspicuous statement as prescribed by the Secretary, indicating that it fell below such standard.

On January 12, 1932, the Dunlap Products Co. (Inc.), Dunlap, Tenn., claimant, having filed an answer admitting the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of

\$400, conditioned that it be relabeled under the supervision of this department, so as to show it was substandard. It was further ordered that claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19439. Misbranding of canned tomatoes. U. S. v. 78 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 27352. I. S. No. 37799. S. No. 5532.)

Examination of samples of tomatoes from the shipment herein described having shown that the article was substandard, and was not labeled to indicate such fact in manner required by law, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On December 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 78 cases of canned tomatoes, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped from Sacket Harbor, N. Y., on or about August 26, 1931, and had been transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Fear's Best Brand Hand Packed Tomatoes. * * * Packed by J. C. Fears Locust Hill, Va."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture for such canned food, since the contents of some of the cans occupied less than 90 per cent of the volume of the closed containers; in that the product in some of the cans did not consist of whole or large pieces of tomatoes; in that some of the cans contained excessive amounts of peel; and in that some of the cans contained tomatoes with an excessive amount of blemishes, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that such canned food fell below such standard.

On January 12, 1932, J. C. Fears, Locust Hill, Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled and that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19440. Misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Decree of forfeiture entered. Forfeiture set aside and product ordered released under bond to be relabeled. (F. & D. No. 27366. I. S. No. 47905. S. No. 5554.)

Samples of potatoes represented to be U. S. Grade No. 1 taken from the shipment herein described having been found to be below the declared grade, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Illinois.

On December 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 360 sacks of potatoes, remaining in the original unbroken packages at Cairo, Ill., alleging that the article had been shipped on or about December 1, 1931, by the Mahaffey (Commission) Co., from Amherst Junction, Wis., and had been transported in interstate commerce from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "100 pounds net when packed United States Grade No. 1, Wisconsin Potatoes Sun Brand, Leonard Crosset & Riley, Inc., Waupaca, Wisconsin."

It was alleged in the libel that the article was misbranded in that potatoes of a lower grade had been substituted for the declared grade and that the statement on the label, "United States Grade No. 1," was false and misleading and deceived and misled the purchaser.

On January 11, 1932, Mahaffey Commission Co., Chicago, Ill., having appeared as claimant for the property, judgment of forfeiture was entered. It was further ordered by the court that the forfeiture be set aside under the following conditions: That claimant deposit a cash bond in the sum of \$200 to insure payment of costs; that the label be obliterated and sacks relabeled according to

instruction by this department; and that upon compliance with said condition it be delivered to Barger & Golightly, Cairo, Ill.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19441. Adulteration of evaporated apples. U. S. v. 6,000 Pounds of Evaporated Apples. Product released under bond. (F. & D. No. 27404. I. S. No. 41717. S. No. 5596.)

Samples of evaporated apples from the shipment herein described having been found to be wormy, decayed, and dirty, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On December 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6,000 pounds of evaporated apples, remaining in the original and unbroken sacks at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 30, 1931, by R. F. Mustain, Elm Springs, Ark., and had been transported from the State of Arkansas into the State of Missouri, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 12, 1932, J. W. Teasdale & Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and the court having found that a certain portion was fit for human consumption and could be separated from the unfit portion, judgment was entered ordering that the product be released to claimant upon the execution of a bond in the sum of \$500, conditioned that it should not be sold or disposed of contrary to the provisions of the food and drugs act or other existing laws, and the portion found unfit for human consumption destroyed. It was further ordered that claimant pay costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19442. Adulteration of cabbage. U. S. v. 350 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27409. I. S. No. 42958. S. No. 5611.)

Arsenic having been found on samples of cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 350 hampers of cabbage, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by Indian River Fruit Growers, from Wabasso, Fla., on or about December 10, 1931, and had been transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it harmful to health.

On January 12, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19443. Adulteration of canned salmon. U. S. v. 100 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27592. I. S. Nos. 11591, 31331. S. No. 5622.)

Samples of salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On December 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., consigned by McGovern & McGovern, Seattle, Wash., alleging that the article had been shipped on or about September 17, 1931, from Seattle, Wash., and had been transported in interstate commerce from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 29, 1932, Wrangel Packing Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be made to conform to the provisions of the Federal food and drugs act, under the supervision of this department, and that it should not be sold or disposed of contrary to the provisions of said law, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19444. Adulteration of cabbage. U. S. v. 271 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27620. I. S. No. 39046. S. No. 5662.)

Arsenic having been found on samples of cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Rhode Island.

On December 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 271 hampers of cabbage, remaining in the original and unbroken packages at Providence, R. I., alleging that the article had been shipped by the Manatee Fruit Co., from West Palmetto, Fla., on or about December 21, 1931, and had been transported from the State of Florida into the State of Rhode Island, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered the article injurious to health.

On January 6, 1932, an affidavit having been filed by the owner for the purpose of permitting the destruction of the property, and the default of all parties having been recorded, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19445. Adulteration of cabbage. U. S. v. 113 Hampers, et al., of Cabbage. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27621, 27623. I. S. Nos. 42714, 42715. S. Nos. 5657, 5663.)

Arsenic having been found on samples of cabbage taken from the shipments herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On December 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 409 hampers of cabbage, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the J. C. Courtney Co., from Palmetto, Fla., in part on or about December 14 and in part on or about December 15, 1931, and had been transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On January 15, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19446. Adulteration of cabbage. U. S. v. 438 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27622. I. S. No. 42975. S. No. 5665.)

Arsenic having been found on samples of cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 438 hampers of cabbage, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by

H. W. Tucker, from Santos, Fla., on or about December 24, 1931, and had been transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered the product harmful to health.

On January 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19447. Adulteration of canned salmon. U. S. v. 38 Cases of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27625. I. S. Nos. 37767, 37768. S. No. 5661.)

Samples of salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On January 2, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 38 cases of canned salmon, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Libby, McNeill & Libby, on or about October 13, 1931, from Seattle, Wash., and had been transported from the State of Washington into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Happy-Vale Brand Pink Salmon * * * Packed for Emery Food Co. Chicago U. S. A. Packed in Alaska."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On January 30, 1932, the Emery Food Co., Chicago, Ill., having appeared as claimant for the property, judgment of forfeiture and condemnation was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act or the laws of any State, Territory, district, or insular possession, and further conditioned that the unfit portion be removed and the remainder inspected and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19448. Adulteration of cabbage. U. S. v. 452 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27626. I. S. No. 39047. S. No. 5669.)

Arsenic having been found on samples of cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, which was amended on January 15, 1932, praying seizure and condemnation of 452 hampers of cabbage, remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been shipped by the Manatee County Growers' Association from Bradenton, Fla., on or about December 26, 1931, and had been transported in interstate commerce from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On January 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19449. Adulteration of dried figs. U. S. v. 40 Cases of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27637. I. S. No. 18952. S. No. 5668.)

Samples of figs from the shipment herein described having been found to be insect-infested, dirty, and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the District of Nevada.

On January 6, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cases of figs at Reno, Nev., alleging that the article had been shipped on or about December 9, 1931, by Giebler's Fig Gardens, from Merced, Calif., and had been transported from the State of California into the State of Nevada, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Black Mission Figs [or "White California Figs" or "Calimyrna Figs"] * * * Packed by Giebler's Fig Gardens, Merced, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19450. Misbranding of canned cherries. U. S. v. 46 Cases of Canned Cherries. Product released under bond for relabeling. (F. & D. No. 27643. I. S. No. 32249. S. No. 5683.)

The product involved in this action consisted of water-packed cherries labeled as cherries in juice. The article therefore fell below the standard promulgated by the Secretary of Agriculture for canned cherries, and failed to bear the statement required by the Secretary indicating that it fell below such standard.

On January 13, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 46 cases of canned cherries, remaining in the original packages at Clovis, N. Mex., alleging that the article had been shipped by Kuner Empson Co., from Brighton, Colo., on or about September 14, 1931, and had been transported in interstate commerce from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Fort Collins Brand Red Pitted Cherries in Juice Packed by The Fort Collins Canning Co., Fort Collins, Colo."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it was water-packed cherries, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard. Misbranding was alleged for the further reason that the statement "In Juice," borne on the label, was false and misleading and deceived and misled the purchaser, in that the product was water-packed cherries.

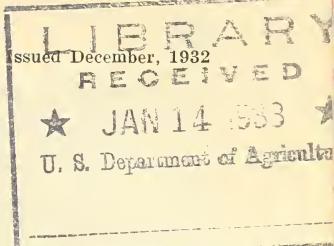
On March 25, 1932, the Kuner Empson Co., Brighton, Colo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that it should not be sold or disposed of contrary to the Federal food and drugs act, or other existing laws, and further conditioned that it be relabeled to show that it was water-packed cherries instead of cherries packed in juice.

ARTHUR M. HYDE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 19401-19450

	N. J. No.		N. J. No.
Apple pomace:		Fish:	
Steffen, M., & Co.-----	19414	bluefin herring. <i>See</i> Herring.	
Apples:		herring:	
Cadwell, G. F., & Son-----	19434	Fjeran, A.-----	19413
Pacific Fruit & Produce Co.---	19419	Jacobson, I.-----	19418
Universal Fruit Co. (Inc.)---	19415	Mickelson, H.-----	19424
dried:		Ness, Ed.-----	19416
Shafer, G. B.-----	19421	Pedersen, Oscar-----	19423
evaporated:		Petersen, O. M.-----	19417
Blocher, J. W.-----	19437	Pyette, George-----	19422
Mustain, R. F.-----	19441	Sorvick, John-----	19411
Bluefin herring. <i>See</i> Fish.		salmon, canned:	
Bran, wheat. <i>See</i> Feed.		Farwest Fisheries (Inc.)----	19401
Butter:		Libby, McNeill & Libby,-----	19412, 19447
Berlin Cooperative Creamery		McGovern & McGovern-----	19443
Association-----	19436	Grapes, Zinfandel, dried:	
Clow, David P.-----	19425	Sunland Sales Cooperative	
Klamath Falls Creamery-----	19402	Association-----	19420
Moffat County Creamery Co.---	19425	Herring. <i>See</i> Fish.	
Schulze, Paul A., Co.-----	19404	Malt sprouts. <i>See</i> Feed.	
Cabbage:		Mustard:	
Courtney, J. C., Co.-----	19445	Cook Mustard Manufactur-	
Indian River Fruit Growers.---	19442	ing Co.-----	19427
Manatee County Growers'		Gormanson, Matthew-----	19427
Association-----	19448	Gormanson, M. D.-----	19427
Manatee Fruit Co.-----	19444	Wallin, O. H.-----	19427
Tucker, H. W.-----	19446	Oysters. <i>See</i> Shellfish.	
Cane sirup. <i>See</i> Sirup.		Peaches, cling, dried:	
Celery:		Bonner Packing Co.-----	19406
Sanford Oviedo Truck Grow-		Peas, canned:	
ers (Inc.)-----	19407	Crites, H. M., & Co.-----	19410
Cherries, canned:		Potatoes:	
Kuner Empson Co.-----	19450	Mahaffey Commission Co.---	19440
Libby, McNeill & Libby-----	19409	Salmon. <i>See</i> Fish.	
Cottonseed meal. <i>See</i> Feed.		Shellfish—	
screenings. <i>See</i> Feed.		oysters:	
Eggs, frozen mixed:		Castle Packing Co.-----	19432
Wright, E. B., & Son (Inc.)--	19428	Neubert, C. A.-----	19432
Feed—		Neubert, F. D.-----	19432
bran, wheat:		Neubert, Leo-----	19432
Aviston Milling Co.-----	19435	Sirup, cane:	
cottonseed meal:		Chauvin Bros. Preserving Co.---	19408
Cairo Meal & Cake Co.-----	19430	Tomato catsup:	
Union Oil Mill (Inc.)-----	19431	Cairns, Alex., & Sons (Ltd.)--	19429
screenings:		Rush Canning Co.-----	19433
Union Oil Mill (Inc.)-----	19431	Rush, E. M.-----	19433
malt sprouts:		Tomatoes, canned:	
Anheuser-Busch (Inc.)-----	19405	-----	19439
Figs, dried:		Dunlap Products Co. (Inc.)--	19438
Glebeler's Fig Gardens-----	19449	Robinson, W. E., & Co.---	19403, 19426

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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19451-19525

[Approved by the Secretary of Agriculture, Washington, D. C., December 15, 1932]

19451. Misbranding of Chewalla. U. S. v. 15 Bottles of Chewalla. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25294. I. S. No. 17752. S. No. 3464.)

Examination of a drug product, known as Chewalla, from the shipment herein described having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article on the bottle and carton labels and in an accompanying circular, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Alabama.

On November 4, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 bottles of Chewalla, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the Chewalla Co., from New Orleans, La., on or about May 26, 1930, and had been transported from the State of Louisiana into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide, extracts of plant drugs including a laxative drug, acetic acid, alcohol, and water, flavored with anise oil.

It was alleged in the libel that the article was misbranded in that the following statements on the bottle and carton labels and in the circular were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article so as to represent falsely and fraudulently that it was composed of or contained ingredients or medicinal agents effective in the treatment of the diseases and conditions named therein: (Carton and bottle) "My ancestors never had rheumatism * * * an effective remedy for acute and chronic rheumatism;" (circular) "For Rheumatism * * * Rheumatism of the Head, Face, Neck, Chest, Back, Shoulders, Small of the Back, Arms and Legs or of the Joints. This preparation is a scientific combination of the best known and approved remedies for Rheumatism. * * * No change of habit or diet is necessary during treatment. * * * Chronic cases usually require from two to three bottles. * * * In all cases where there is great pain give: * * * Where the pain is not very severe, as in most chronic cases."

On December 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19452. Adulteration and misbranding of fluidextract of ginger. U. S. v. Leo B. Dreyfoos and Irving S. Wolf (Queen City Distributing Co.). Plea of guilty by Leo B. Dreyfoos. Fine, \$50. Nolle prosequi entered as to Irving S. Wolf. (F. & D. No. 25710. I. S. No. 035405.)

Examination of samples of fluidextract of ginger represented to be a pharmacopoeial product showed that the article contained an oil similar to castor oil, which is not mentioned in the United States Pharmacopoeia as a constituent of fluidextract of ginger. The labeling of the article bore unwarranted curative and therapeutic claims.

On May 15, 1931, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Leo B. Dreyfoos and Irving S. Wolf, formerly copartners trading as the Queen City Distributing Co., Cincinnati, Ohio, alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about February 27, 1930, from the State of Ohio into the State of Louisiana, of a quantity of fluidextract of ginger that was adulterated and misbranded. The article was labeled in part: (Bottle) "C. Q. Brand Fluid Extract of Ginger U. S. P. * * * For Cramps, Diarrhoea, * * * and externally for Toothache. * * * Packed by The Queen City Distributing Co. Cincinnati, Ohio."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in that it was a product composed in part of an oil similar to castor oil, which is not mentioned in the pharmacopoeia as a constituent of fluidextract of ginger; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the article fell below the professed standard and quality under which it was sold, in that it was represented to be fluidextract of ginger which conformed to the standard laid down in the pharmacopoeia, whereas it was not.

Misbranding was alleged for the reason that the statement "Fluid Extract of Ginger, U. S. P.," borne on the label, was false and misleading in that the said statement represented that the article was fluidextract of ginger which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not. Misbranding was alleged for the further reason that the article was composed in part of an oil similar to castor oil, prepared in imitation of fluidextract of ginger, U. S. P., and was offered for sale and sold under the name of another article, to wit, fluidextract of ginger, U. S. P. Misbranding was alleged for the further reason that certain statements appearing on the bottle label, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it would be effective, among other things, as a treatment, remedy, and cure for cramps, diarrhoea, and toothache, whereas it contained no ingredients or medicinal agents effective as a treatment, remedy, or cure for cramps, diarrhoea, or toothache.

On April 15, 1932, Leo B. Dreyfoos entered a plea of guilty to the information, and the court imposed a fine of \$50 against the said defendant. On June 20, 1932, a nolle prosequi was entered as to Irving S. Wolf.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19453. Adulteration and misbranding of Oxylene paste, and misbranding of Oxylene liquid. U. S. v. 259 Dozen Packages of Oxylene Paste, et al. Decrees of condemnation entered. Oxylene paste destroyed. Oxylene liquid released under bond. (F. & D. Nos. 25833, 25834. I. S. Nos. 8487, 8488, 8489. S. No. 3893.)

Examination of samples of Oxylene paste and Oxylene liquid from the shipments herein described showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed for them on the labels. The labeling of the Oxylene paste represented that the article would inhibit germs, whereas it would not.

On February 3, 1931, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 259 dozen packages of Oxylene paste, and 41 dozen packages of Oxylene liquid at San Antonio, Tex., alleging that the articles had been shipped by Hance Bros. & White (Inc.), from Philadelphia, Pa., in various

consignments on or about June 15, 1928, May 6, and June 6, 1930, and had been transported from the State of Pennsylvania into the State of Texas, and charging adulteration and misbranding of the said Oxylyene paste, and misbranding of the said Oxylyene liquid, in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Oxylyene paste consisted essentially of calcium carbonate, clay, powdered ipecac, volatile oils including menthol, clove oil and anise oil, a gum, glycerin, sugar, and water, and Oxylyene liquid consisted essentially of coal-tar oil, capsicum oleoresin, phenols including guaiacol and methyl salicylate, other volatile oils including clove oil, sassafras oil, and turpentine oil, ether, alcohol (by volume 20.2 per cent), and water. Bacteriological examination of the Oxylyene paste showed that it was not antiseptic.

Adulteration was alleged in the libel with respect to the Oxylyene paste for the reason that its strength fell below the professed standard under which it was sold, in that the carton was labeled "Inhibits Germs," whereas the article was not antiseptic.

Misbranding of the said Oxylyene paste was alleged for the reason that the statement on the carton, "Inhibits Germs," was false and misleading. Misbranding was alleged with respect to both products for the reason that the following statements regarding the curative and therapeutic effects of the said articles were false and fraudulent: (Oxylyene paste, tube) "Pyorrhea Specific * * * Pyorrhea Alveolaris and Diseases of the Gums. Oxylyene is superlative in the treatment of soft, sore, bleeding or receding gums * * * Will assist loose teeth to tighten up;" (Oxylyene paste, carton) "Pyorrhea Specific * * * Pyorrhea Alveolaris and diseases of the gums. Oxylyene is superlative in the treatment of receding, spongy or bleeding gums, * * * and will assist loose teeth to tighten up, * * * hardens the gums * * * Prevents Pyorrhea;" (Oxylyene liquid, bottle label and wrapper) "A specific for Pyorrhea Alveolaris, Gingivitis, and all diseased conditions of the gums."

On April 15, 1932, the Noa Spears Co., San Antonio, Tex., having intervened and filed an answer and claim in the case against the said Oxylyene liquid and having admitted the allegations contained in the libel filed against the said product, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled and that it should not be disposed of in violation of the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession. On the same date the said claimant having withdrawn an intervention filed in the case against the Oxylyene paste, and no other person having interposed a claim for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said Oxylyene paste be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19454. Adulteration and misbranding of ergot ampuls. U. S. v. Endo Products (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 26619. I. S. No. 15818.)

Samples of ergot ampuls shipped in interstate commerce as herein described were found to contain approximately one-sixth of the therapeutically important principles of ergot required by the United States Pharmacopoeia for fluid extract of ergot.

On March 30, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Endo Products (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about January 9, 1931, from the State of New York into the State of New Jersey, of a quantity of ergot ampuls that were adulterated and misbranded. The article was labeled in part: (Box) "Twelve Ampoules for Intramuscular or Subcutaneous Use;" (ampul) "Ergot U. S. P. X. Purified Sterile * * * Endo Products, Inc. New York."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigations, since the article, when administered by intramuscular injection to single-

comb white Leghorn cocks, required 3 cubic centimeters of the solution for each kilogram of body weight of cock to produce a darkening of the comb corresponding to that caused by 0.5 cubic centimeter of the standard fluidextract of ergot, whereas the pharmacopoeia provides that fluidextract of ergot, when administered by intramuscular injection to single-comb white Leghorn cocks in doses not exceeding 0.5 cubic centimeter for each kilogram of body weight of cock shall produce a darkening of the comb corresponding in intensity to that produced by the same dose of standard fluidextract of ergot; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the article fell below the professed standard and quality under which it was sold, in that it was represented to be sterile solution of ergot which conformed to the standard laid down in the United States Pharmacopoeia, tenth revision, whereas it was not.

Misbranding was alleged for the reason that the statement "Sterile Solution Ergot, U. S. P. X.," borne on the label attached to the ampul, was false and misleading in that the said statement represented that the article was fluidextract of ergot which conformed to the standard laid down in the United States Pharmacopoeia, tenth revision, whereas it was not.

On April 6, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19455. Adulteration and misbranding of Mackie's pine oil. U. S. v. 5 Dozen Bottles of Mackie's Pine Oil. Default decree of destruction. (F. & D. No. 26885. I. S. No. 36627. S. No. 5074.)

Examination of a drug product, known as Mackie's pine oil, disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the bottle and carton labels and in an accompanying circular. The product was also represented to be germicidal and antiseptic, whereas it was not.

On August 20, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five dozen bottle of Mackie's pine oil, remaining in the original unbroken packages at Jackson, Miss., alleging that the article had been shipped by Mackie's Pine Oil Specialty Co. (Inc.), from Covington, La., on or about July 18, 1931, and had been transported from the State of Louisiana into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the product consisted of a coniferous oil.

It was alleged in the libel that the article was adulterated in that it fell below the professed standard of "germicidal," stated on the carton.

Misbranding was alleged for the reason that the following statements, appearing on the bottle and carton labels and in the circular, were false and misleading: (Carton) "Germicidal * * * put a few drops in half a glass of water and snuff up the nose every three or four hours; saturate a cloth and inhale odor through the nose and mouth, leaving cloth on pillow or hung so as to inhale while asleep. * * * Germicidal;" (circular) "Germicidal * * * It is a scientific and thoroughly modern germicide, * * * Takes the Place of Dangerous Germicides;" (bottle) "A teaspoonful in water gives a cleansing and antiseptic bath." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Skin Eruptions * * * Ordinary Sore Throat, Bronchitis, Tonsillitis, Whooping Cough, Asthma, * * * Sores, * * * Skin Eruptions, * * * For Rheumatism, * * * For Coughs, * * * Sore Throat, Tonsillitis, Bronchitis, * * * For Asthma;" (carton) "Directions For * * * Sores, * * * Skin Eruptions, * * * For Coughs, * * * Ordinary Sore Throat, Tonsillitis, Bronchitis, * * * For Asthma * * * For Whooping Cough, to produce relaxation and lessen coughing paroxysms, rub pit of stomach with Pine Oil * * * For * * * Many Skin Eruptions, Ordinary Sore Throat, Bronchitis, Tonsillitis, Whooping Cough, * * * Asthma;" (circular) "Laboratory tests show also that Mackie's Pure St. Tammany Pine Oil has an anesthetic quality equal to a

2-per cent solution of cocaine, and that used externally as a local anesthetic, it will often ease such pains as toothache * * * Skin Eruptions. * * * It will take out the poison in mosquito bites, bee stings, etc. It will disinfect, * * * thus promote natural healing in * * * many skin eruptions. * * * Sore Feet, Inflammation. * * * It is helpful in reducing inflammation * * * Sore Throat, Tonsillitis, Whooping Cough. Diluted as directed, it may be used with good effect as a spray or gargle for ordinary sore throat, bronchitis, tonsillitis, etc., and undiluted, rubbed on the outside. Thoroughly rubbed on the pit of the stomach, it will cause relaxation and often relieve the paroxysms in whooping cough. Asthma, * * * and Nasal Catarrh. Inhaled through the nose and mouth from a cloth saturated and laid on, or hung up over the pillow at night, it relieves asthmatic congestion. It is very beneficial in cases of nasal catarrh * * * [testimonials in circular] 'Since infancy I have suffered with Eczema, which seemingly was incurable. * * * Constantly I have suffered with a raw spot on my great toe on the right foot. This spot was * * * irritable all the time. Four nightly applications of Mackie's Pine Balm has entirely cured this particular spot.'

On May 5, 1932, no claimant having appeared for the property, and the court having found that the product should be condemned and destroyed, a decree was entered ordering its destruction by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19456. Adulteration and misbranding of tincture aconite. U. S. v. Four 1-Pint Bottles of Tincture Aconite. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26898. I. S. No. 28212. S. No. 5088.)

Samples of tincture aconite, represented to be of pharmacopoeial standard, were found to be below such standard, the potency of the article having been found to be approximately 41 per cent of the minimum required by the United States Pharmacopoeia.

On August 19, 1931, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four 1-pint bottles of tincture aconite, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Sharp & Dohme (Inc.), alleging that the article had been shipped from Philadelphia, Pa., on various dates between January 17, 1931 and April 11, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statements on the label, "Tincture Aconite U. S. P. X. Standard (Tinctura Aconiti) * * * Biologically Standardized," were false and misleading.

On January 7, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19457. Misbranding of Tiko. U. S. v. 45 Bottles of Tiko. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27099. I. S. No. 36802. S. No. 5278.)

Examination of a drug product, known as Tiko, disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the carton and bottle labels and in an accompanying circular, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On or about December 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 bottles of Tiko at Dallas, Tex., alleging that the article had been shipped by the Purinton Medicine Co., from Detroit, Mich., on or about January 22, 1931, and had been transported from the State of Michigan into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Tiko by this department showed that the article consisted of potassium iodide (8.7 grams per 100 milliliters), a small proportion of an iron compound, alcohol (3.8 per cent by volume), and water.

It was alleged in the libel that the article was misbranded in that the following statements, appearing on the bottle and carton labels and in the circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed: (Bottle and carton) "Recommended for Articular Rheumatism, Gouty Rheumatism, Inflammatory Rheumatism, Muscular Rheumatism, Sciatic Rheumatism, Acute or Chronic;" (circular) "In the fall of 1892 this efficient medicine was brought to public attention for the treatment of Rheumatism. Before Tiko was placed before the public it was thoroughly tested * * * We have not put Tiko before the public as a Cureall, which so many others have claimed for Nostrums, but do claim it has been beneficial in genuine cases of Sciatic Rheumatism, Gouty Rheumatism, Articular Rheumatism, Muscular Rheumatism, and Inflammatory Rheumatism, and will be found of a relieving nature in calomel and mercurial forms of Rheumatism. People of all ages, conditions and occupations of life have taken it (as indeed Rheumatism is no respecter of persons.) * * * Rheumatism * * * We are justified in saying to all who are afflicted with this dreadful disease—take Tiko * * * Tiko is a medicine taken internally the only method by which Rheumatism can be successfully treated. Liniments and other external applications relieve the effect * * * not the cause in this dreadful malady."

On June 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19458. Misbranding of Mantone. U. S. v. 295 Bottles of Mantone. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27234. I. S. No. 42005. S. No. 5404.)

Examination of a drug product, known as Mantone, disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article on the bottle label and in an accompanying circular. The Secretary of Agriculture reported the matter to the United States attorney for the District of Columbia.

On or about November 13, 1931, the United States attorney filed in the Supreme Court of the District of Columbia, holding a District Court, a libel praying seizure and condemnation of 295 bottles of Mantone, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the Wachsellan Mantone Medicine Co. (Inc.), from Baltimore, Md., on or about October 16, 1931, and had been transported from the State of Maryland into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Mantone by this department showed that it contained sugar, aloes, sodium salicylate, caramel, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article appearing on the bottle label and in the circular were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Mantone * * * Tonic For Strong Men and Healthy Women. This medicine has been used effectively for years as a general system tonic and to assist nature in the regulation of digestion, * * * a precautionary medicine to ward off diseases that a weakened system is liable to contract;" (circular) "Ninety-Five per cent of our ills originate from impurities in the stomach and bowels. * * * Mantone is effective in removing * * * all the poisons and impurities from the blood and the entire system. Therefore we ask you to try Mantone if you are fagged out, weak, nervous, run-down, have no appetite, indigestion, liver, kidney or bladder trouble, rheumatism, lagrippe, chills and fever, * * * or other complaints."

On March 24, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19459. Misbranding of Blair's female tablets and Blair's Ton-Ko-No herbs. U. S. v. 22 Packages of Blair's Female Tablets, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 27254, 27255. I. S. Nos. 36823, 36824. S. No. 5411.)

Examination of the drug products involved in this action disclosed no ingredients or combinations of ingredients capable of producing the curative and therapeutic effects claimed for the articles in the carton labels and circulars. The articles were also falsely labeled as to the place of manufacture.

On November 21, 1931, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 packages of Blair's female tablets and 31 packages of Blair's Ton-Ko-No herbs, remaining in the original unbroken packages at Sherman, Tex., alleging that the articles had been shipped by the Becker Chemical Co., Cincinnati, Ohio, on or about July 20, 1931, and had been transported from the State of Ohio into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of Blair's female tablets and Blair's Ton-Ko-No herbs showed that the female tablets contained plant drugs including a bitter drug; and that the Ton-Ko-No herbs consisted of a mixture of ground plant drugs including licorice and laxative drugs.

It was alleged in the libel that the articles were misbranded in that the following statements appearing in the labeling were false and misleading, since the said statements purported to give the name and address of the manufacturer of the articles: (Female tablets, carton) "Blair and Son Medicine Co., 1001 Cleveland Avenue, Sherman, Texas;" (Ton-Ko-No herbs, carton and circular) "Ton-Ko-No Medicine Co. 1001-1003 Cleveland Ave., Sherman, Texas." Misbranding was alleged for the further reason that the following statements, appearing on the cartons and in the circulars shipped with the articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Female tablets, carton) "Recommended for Suppressed or delayed Menstruation, Falling of the Womb, Leucorrhoea, General Debility, Change of Life;" (female tablets, circular) "They assist nature along natural lines and avoid all unnatural disturbances which might tend to produce bad habits or disagreeable experiences. They do not contain large quantities of pernicious drugs that would deceive the patient into the belief that she was being benefited when she was only feeling the effects of an anesthetic. Nature's way may not be so rapid but it is more permanent and reliable, and the remedy that clears the way and gives nature a chance to do her perfect work is the most desirable medicine. * * * People differ and do not all require the same amount of medicine to produce good results;" (Ton-Ko-No herbs, carton) "Recommended for Stomach, Liver, Kidney and Bladder Trouble, Rheumatism, Etc. * * * health-giving herbs;" (Ton-Ko-No herbs, circular) "For the Blood, Liver, Kidneys, Stomach and Bowels This Great Herb Remedy * * * accomplishes strikingly remarkable results because it assists nature to perform her perfect work. The blood, which is commonly recognized as the life fluid, depends for its value upon the digestive and secretory systems and the degrees of its strength, vigor and usefulness depends upon the vitality and harmony of these important functions. Good food becomes bad food in a very short time if it is improperly handled or exposed to contaminating or poisonous influences. This Herb Remedy assists nature to properly use and care for the daily food and by lightening the load and clearing the way enables nature to regain and hold control. Headache, Bilioussness, Dyspepsia, Indigestion, Kidney and Bladder Trouble, also Rheumatism and all worn-out or tired feeling indicate the necessity for this remedy and there is no better remedy for the quick relief of these distressing conditions. It should be taken regularly and systematically until all the annoying symptoms disappear and a conscientious following of the printed directions will almost invariably give the most pleasing and satisfying results. * * * As there are no two persons exactly alike, these directions can be changed to suit each individual case. If it should act too freely on the bowels, lessen the dose or leave off taking the medicine for a dose or two, remembering that nature is the great healer and this medicine is only to assist nature."

On April 5, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19460. Misbranding of Ru-Co the Wonderful. U. S. v. 30 Bottles, et al., of Ru-Co the Wonderful. Default decrees of destruction entered. (F. & D. Nos. 27290, 27291. I. S. Nos. 45818, 45820. S. Nos. 5451, 5452.)

Examination of samples of a drug product, known as Ru-Co the Wonderful, showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle label.

On November 25 and November 27, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 135 bottles of Ru-Co the Wonderful, alleging that a portion of the article had been shipped in two lots in part on or about July 21, 1931, and in part on or about September 16, 1931, by the Clyde Collins Chemical Co., from Memphis, Tenn., in interstate commerce, to Jackson, Miss., that the remainder had been shipped on or about July 29, 1931, by the said Clyde Collins Chemical Co., from Memphis, Tenn., in interstate commerce, to Meridian Miss., that it remained in the original unbroken packages at said Jackson and Meridian, Miss., respectively, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of Ru-Co by this department showed that the article consisted essentially of sodium sulphate (Glauber salt), magnesium sulphate (Epsom salt), small proportions of tartaric and citric acids and saccharin.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing on the bottle label, regarding the curative or therapeutic effects of the said article, were false and fraudulent: "Ru-Co the Wonderful * * * Ru-Co is highly recommended in the treatment of Rheumatism, Indigestion and Functional Disorders of the Liver. * * * Ru-Co * * * actually eliminates intestinal poisons, which if retained would be the cause of much distress and actual sickness. It is a real system cleanser and purifier. Ru-Co has given notable results in treatment of Rheumatism, Gout * * * and Indigestion so frequently the results of intestinal stagnation. * * * Directions—For Rheumatism, Indigestion, * * * and Stomach Complaints, * * * take * * * Ru-Co."

On or about May 5, 1932, no claimant having appeared for the property, judgments were entered finding that the product should be condemned and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19461. Adulteration and misbranding of ZePyrol. U. S. v. 36 Dozen Packages of ZePyrol. Default decree of destruction entered. (F. & D. No. 27308. I. S. No. 47085. S. No. 5461.)

Examination of a drug product, known as ZePyrol, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the carton and bottle label and in an accompanying circular. The article was not germicidal, as claimed in the labels.

On or about December 7, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 dozen packages of ZePyrol, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by the McKesson-Potts Drug Co., Wichita, Kans., on or about March 26, 1931, and had been transported from the State of Kansas into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of ZePyrol by this department showed that the article consisted essentially of small proportions of zinc chloride and glycerin, alcohol, a trace of emetine, and water, flavored with cinnamon and colored with a red dye. Bacteriological examination showed that the article was not germicidal.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading, since the article was not a germicide: (Carton) "Antiseptic * * * A Germicide;" (bottle) "Antiseptic * * * A Germicide;" (circular) "ZePyrol used full strength on the tooth brush will decrease the bacteria in the mouth and around the teeth,

and also keep your tooth brush absolutely free from bacteria. Therefore, your tooth brush, when using ZePyrol, need not breed bacteria to place back in your mouth the next time you use it." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "An aid to prevent & relieve Pyorrhoea and Germ Diseases * * * Gargle For Throat Infection * * * 'A man suffered for years from acute rheumatism. He went from one doctor to another without relief. Finally he went to his dentist one day to have his teeth fixed. A blind abscess was found which was opened and cured. Immediately his rheumatism disappeared. Another Man had a supposed case of spinal trouble. No doctor gave him relief until, finally, one physician suggested that he have his teeth examined. Pyorrhoea was discovered, cured and spinal trouble left him. In another case defective eyesight was found due to defective teeth. A man's throat trouble of years' standing was found to be caused by toxins in teeth. Evidently we do not give our teeth due credit for their importance in our general health.' * * * To Prevent And To Relieve Infection Teeth-Pyorrhoea (Rigg's Disease.) Tonsils-Infection usually following lack of attention to the teeth as well as mouth and throat. Tooth Brush-Usually laid aside after using without attention, this being infected and aiding. Skin, Flesh Wounds-Cuts * * * Nasal Passage-Influenza, coughs, cold, etc.;" (bottle label) "A Germicide for the Mouth, Teeth, Throat and Skin * * * An Aid to Prevent & Relieve Pyorrhoea And Germ Diseases;" (circular) "A Preparation to Relieve and to Prevent Pyorrhoea Beware of preparations claiming to cure Pyorrhoea-For Pyorrhoea a good, honest dentist will use a personally given treatment and advise ZePyrol thereafter to prevent a recurrence. Read Directions First Prevent And Relieve Infection * * * Directions, Prevent Pyorrhoea or Other Oral Infections. * * * Prevent Tonsil and Throat Infection-Gargle. * * * Prevent Skin and Wound Infection * * * Prevent Nasal Infection (Influenza, etc.) Catharrhal conditions. * * * Prevent Pyorrhoea-Relief If you have, or tend to have, Sensitive Teeth, or Bleeding, or Pus-Forming Gums-Py-or-rhoea, it is time to see Your Dentist Beware of preparations claiming to cure Py-or-rhoea (Riggs Disease) a good, honest dentist will use a personally given treatment and advise Ze Pyrol thereafter to prevent a recurrence. To Prevent Py-or-rhoea (Riggs Disease) or other germ diseases-Use once a day (full strength) Ze Pyrol * * * To bring the fresh, red blood to the gums, * * * the use of the plain finger to massage the gums thoroughly, with use of Ze Pyrol, full strength, is recognized as necessary and of benefit. * * * To Prevent Tonsil Infection-Sore Throat-Gargle * * * The Dentist will often give you absolute reason for your tonsil trouble. It will be your teeth; pus cavities, not seen or in sight, thus producing an infection, reaching the tonsil, nasal passage, etc. Always consult your dentist when necessary. Doctors and Dentists will then prescribe Ze Pyrol as the necessary aid for a throat, tonsil and mouth wash to prevent infection, * * * Prevent Skin And Wound Infection Nature is so sure that it heals to a second on time, any wound, etc., provided infection is prevented. After a minor cut, wound, burn, etc., use Ze Pyrol to prevent infection, and as an aid to Nature to heal. (For severe trouble don't fail to see a Physician). Use Ze Pyrol, full strength, before and washing wounded parts. * * * Ze Pyrol will prevent and will be found the treatment for Barber's Itch, etc. * * * Prevent Nasal Infection * * * Your Doctor or your Dentist will prescribe it as an aid to prevent, to cure Grippe, Influenzas Of All Kinds, And The Germ Disease Strep-to-coc-cus. Strep-to-coc-cus infection is known by a choking in the throat (similar to croup) from what appears to be cold, etc., after exposure to a dust storm. Strep-to-coc-cus-A genus of non-motile bacteria of the family Coccaceae, having cells which divide in one direction only and remain more or less attached and form chains. It includes several virulently pathogenic species as S. Erysipelatos, causing erysipelas, form of Septicaemia, S. Pneumonia, of croupous pneumonia, etc. They often occur in waters polluted with sewage.-Webster."

On May 17, 1932, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19462. Adulteration and misbranding of ether. U. S. v. 90 Quarter-Pound Cans of Ether. Default decree of forfeiture and destruction. (F. & D. No. 27363. I. S. No. 47573. S. No. 5551.)

Samples of ether from the shipment herein described having been found to differ from the pharmacopoeial requirements in that they contained aldehyde, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On December 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 90 quarter-pound cans of ether at Toledo, Ohio, alleging that the article had been shipped by the Mallinckrodt Chemical Works, St. Louis, Mo., on or about August 10, 1931, and had been transported from the State of Missouri into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia."

It was alleged in the libel that the article was misbranded in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as laid down in the United States Pharmacopoeia, and its own standard was not stated on the label. (The requirement of the law that a drug sold under a name recognized in the United States Pharmacopoeia must conform to the requirements of the pharmacopoeia unless its own standard be declared on the label, is contained in section 7 of the act, title 21, United States Code, section 8, defining adulteration.) It was further alleged in the libel that the article was adulterated in that an analysis showed the presence of aldehyde.

On March 5, 1932, no claimant having appeared for the property, and the court having found that the product was adulterated and misbranded, judgment was entered ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19463. Misbranding of Greenhalgh wash, Greenhalgh Naturello, Greenhalgh locus oil, Greenhalgh liniment, cancer powder, Greenhalgh canker syrup, Mountain Rush blood purifier, Greenhalgh's blood purifier, Greenhalgh's cough syrup, Greenhalgh kidney powder, and Greenhalgh diphtheria remedy. U. S. v. Greenhalgh Remedy Co. Plea of guilty. Fine, \$200. (F. & D. No. 27490. I. S. Nos. 13161 to 13171, incl.)

This case was based on the interstate shipment of 11 different drug preparations, all of which bore labels representing that the articles were effective in the treatment and cure of certain ailments. Examination showed that the articles did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 30, 1932, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Greenhalgh Remedy Co., a corporation, Salt Lake City, Utah, alleging shipment by said company from the State of Utah into the State of California, of quantities of the said drug preparations which were misbranded. It was alleged in the upon a report by the Secretary of Agriculture, filed in the District Court of the information that the articles were shipped as follows: Quantities of Mountain Rush blood purifier and Greenhalgh's blood purifier shipped on or about April 5, 1930; quantities of Greenhalgh's cough syrup shipped on or about June 12, June 26, and July 28, 1930; quantities of Greenhalgh wash, Greenhalgh Naturello, Greenhalgh locus oil, Greenhalgh liniment, cancer powder, and Greenhalgh's canker syrup shipped on or about June 26 and June 28, 1930; quantities of Greenhalgh diphtheria remedy shipped on or about October 28 and December 1, 1930; and quantities of Greenhalgh kidney powder on or about November 29 and December 15, 1930.

Analysis of a sample of Greenhalgh wash by this department showed that the article consisted essentially of small proportions of compounds of magnesium, iron, and aluminum, sulphates, borates, phosphates, nitrates, sulphur, plant tissue and extracts of plant drugs, sugar, glycerin, and water. Analysis of a sample of Greenhalgh diphtheria remedy by this department showed that the article consisted essentially of ferrous sulphate, ammonium alum, potassium nitrate, borax, sulphur, and extracts of plant materials including hydrastis, sugar, and water. Analysis of a sample of Mountain Rush blood purifier by this department showed that the article consisted of *Ephedra viridis*. Analysis of a sample of Greenhalgh's blood purifier by this department showed that the article consisted essentially of small amounts of com-

pounds of magnesium and aluminum, borates, sulphates, and phosphates, traces of sulphur and chloride, extracts of plant drugs, sugar, and water. Analysis of a sample of Greenhalgh Naturello by this department showed that the article consisted essentially of a claylike material containing magnesium and aluminum compounds, silicates, and carbonates, and a trace of an iron compound. Analysis of a sample of Greenhalgh's cough syrup by this department showed that the article consisted essentially of magnesium and iron compounds, sulphates, phosphates, borates, sulphur, acetic acid, extracts of plant drugs, sugar, a trace of alcohol, and water. Analysis of a sample of Greenhalgh locus oil by this department showed that the article consisted essentially of a fatty oil with small proportions of spearmint oil and methyl salicylate. Analysis of a sample of Greenhalgh liniment by this department showed that the article consisted essentially of ammonia, extracts of plant drugs, small proportions of volatile oils, glycerin, and water. Analysis of a sample of Greenhalgh kidney powder by this department showed that the article consisted essentially of nitrates, sulphates, borates, sulphur, traces of magnesium and iron compounds, rosin, and sugar. Analysis of a sample of cancer powder by this department showed that the article consisted essentially of nitrates, sulphates, borates, sulphur, traces of magnesium, and iron compounds, rosin, and sugar. Analysis of a sample of Greenhalgh's canker syrup by this department showed that the article consisted essentially of acetic acid, borates, sulphates, nitrates, traces of magnesium and iron compounds, sulphur, extracts of plant drugs, sugar, and water.

Misbranding of the articles was alleged in the information for the reason that certain statements, designs, and devices regarding the curative and therapeutic effects, borne on the labels of the bottles, packages, boxes, or cartons containing the said articles, were false and fraudulent, since they contained no ingredients or medicinal agents effective for the said purposes, in that the Greenhalgh wash was represented to be effective as a treatment for chronic sores, eczema, cancers, piles, all skin diseases, female weakness, burns and contagious diseases, and effective to relieve soreness and pain, whereas it was not effective as a treatment for chronic sores, eczema, cancers, piles, all skin diseases, female weakness, burns, and contagious diseases, or effective to relieve soreness and pain; the Greenhalgh Naturello was represented to be effective as a treatment, remedy, and cure for rheumatism, stomach trouble, eczema, cancer, old sores, itch, and all diseases of the skin, whereas it was not effective as a treatment, remedy, or cure for rheumatism, stomach trouble, eczema, cancer, old sores, itch, or all diseases of the skin; the Greenhalgh locus oil was represented to be effective as a treatment, remedy, and cure for goiter, rheumatism, and lung trouble, whereas it was not effective as a treatment, remedy, and cure for goiter, rheumatism, or lung trouble; the Greenhalgh liniment was represented to be effective as a treatment, remedy, and cure for stiff joints, rheumatism, goiter, and swellings of all kinds, whereas it was not effective as a treatment, remedy, and cure for stiff joints, rheumatism, goiter, or swellings of all kinds; the cancer powder was represented to be effective as a treatment and remedy for cancer, and effective as a treatment and remedy for open sores, whereas it was not effective as a treatment for cancer or effective as a treatment and remedy for open sores; the Greenhalgh's canker syrup was represented to be effective as a treatment for canker, and effective as a remedy for worms, and effective to purify the blood, whereas it was not effective as a treatment for canker, or effective as a remedy for worms, or effective to purify the blood; the Mountain Rush blood purifier was represented to be effective as a blood purifier, and effective to restore vitality, and effective as the most certain means of invigoration in exhaustive diseases, loss of blood, or debility, and effective as a treatment, remedy, and cure for rheumatism, stomach troubles, indigestion, urinary troubles, dropsy, blood poison, lumbago, and Bright's disease, whereas it was not effective as a blood purifier, or effective to restore vitality, or effective as the most certain means of invigoration in exhaustive diseases, loss of blood, or debility, or effective as a treatment, remedy, and cure for rheumatism, stomach troubles, indigestion, urinary troubles, dropsy, blood poison, lumbago, and Bright's disease; the Greenhalgh's blood purifier was represented to be effective as a blood purifier, and effective to restore vitality, and effective as the most certain means of invigoration in exhaustive diseases, loss of blood, or debility, whereas it was not effective as a blood purifier, or effective to restore vitality, or effective as the most certain means of invigoration in exhaustive diseases, loss of blood, or debility; the

Greenhalgh's cough syrup was represented to be effective as a sure remedy for any lung or bronchial troubles, and effective as a relief for any lung or bronchial troubles, whereas it was not effective as a sure remedy for any lung or bronchial troubles or effective as a relief for any lung or bronchial troubles; the Greenhalgh kidney powder was represented to be effective as a remedy for kidney ailments, whereas it was not effective as a remedy for kidney ailments; and Greenhalgh diphtheria remedy was represented to be effective as a remedy for diphtheria, canker, sore throat, and croup, and effective to kill poisonous germs, whereas it was not effective as a remedy for diphtheria, canker, sore throat, or croup, or effective to kill poisonous germs.

On May 31, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19464. Misbranding of Admirine. U. S. v. 96 Bottles of Admirine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27613. I. S. No. 45267. S. No. 5633.)

The drug product Admirine involved in this action was labeled as possessing curative properties in certain ailments for which cinchona alkaloids are prescribed. Analysis of a sample showed that the article contained insufficient cinchona alkaloids to cure such ailments when taken according to the following directions appearing on the bottle label:

"As a tonic for the blood and general System. Adults should take two teaspoonfuls; Children 10 to 12 years one teaspoonful; 1 to 3 years half teaspoonful. Take the medicine diluted in a little water 3 times a day, before or after eating. To stop Chills and Fever or Bad Colds, take double size doses for 3 or four days, then change to the regular Tonic dose and take three times a day as a Blood Medicine and Restorative Tonic."

The labeling of the product contained further unwarranted curative and therapeutic claims.

On December 31, 1931, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 96 bottles of the said Admirine, remaining in the original unbroken packages at Des Moines, Iowa, alleging that the article had been shipped by the Eucaline Medicine Co., Dallas, Tex., on or about November 6, 1929, and had been transported from the State of Texas into the State of Iowa, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Admirine by this department showed that the article consisted essentially of salts of cinchona alkaloids representing approximately 1 gram of the alkaloids per 100 milliliters, a small proportion of an iron compound, an extract of a laxative plant drug, a large proportion of sugar, 1 per cent of alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and bottle labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "The Body Builder * * * Blood Medicine * * * The Body Builder Is recommended to * * * stimulate the Liver and Kidneys to action. * * * Purifies the blood, destroys Malaria, stops Chills and Fever quickly and restores vitality to the weakened body. The 'Body Builder' * * * Blood Medicine for Tired Feeling, Sluggish Liver, Enlarged Spleen, * * * Dizziness, * * * Belching of Gas, Sour Stomach, Weakness, Tired, Lazy Feeling, * * * Indigestion, Foul Breath, Coated Tongue, Liver Spots, Nervousness, Sallow Skin, Melancholia, Pimples, Chronic Chills or Ordinary Chills, Periodical Fevers and the different forms of Blood troubles that are caused by Malaria Poisoning. It is an exceptionally good tonic for females in cases that are peculiar to their sex. * * * Digestant * * * Nerve Tonic. The Body Builder;" (bottle) "'The Body Builder' * * * As a tonic for the blood and general System * * * To stop Chills and Fever * * * A Blood Medicine and Restorative Tonic. [Similar statements in Spanish appear in the labeling.]"

On May 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19465. Misbranding of Dr. Vernon's Anti-Flu. U. S. v. 48 Packages of Dr. Vernon's Anti-Flu. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27674. I. S. No. 32236. S. No. 5704.)

Examination of a drug product, known as Dr. Vernon's Anti-Flu, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the jar label and in an accompanying circular, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On January 23, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 packages of Dr. Vernon's Anti-Flu, remaining in the original unbroken packages at Trinidad, Colo., consigned by J. W. Vernon, Pasadena, Calif., alleging that the article had been shipped in interstate commerce from Pasadena, Calif., into the State of Colorado, on or about February 15, 1930, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Dr. Vernon's Anti-Flu by this department showed that the article consisted of volatile oils (12 milliliters per 100 grams), including eucalyptus oil and camphor, incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar label) "Anti-Flu * * * Pneumonia, Croup, Influenza. * * * For Influenza Apply hot wet towel to Throat, Chest, Sides, Back between the shoulder blades for five minutes. Dry and rub Anti-Flu well in, until the skin is red, then rub on a thin coating and cover with hot flannel cloths. Leave clothing in loose funnel shape so that the vapors arising may be inhaled. Repeat treatment every hour until fever drops, then every four to eight hours. Pneumonia Use as for Influenza. Croup Same as above apply to throat and chest only. * * * Coughs, Sore Throat, Tonsilitis, Etc. Use as for Croup, swallow a piece size of pea occasionally. Catarrh, * * * Bronchitis, Whooping Cough, Asthma. Melt a little in a spoon, inhale vapors, apply to nostrils. Piles * * * Surface Inflammation;" (circular) "Specific or Anti-Flu * * * there is no * * * preparation, * * * so effective for the relief and cure of the conditions that it is recommended for, as is Anti-Flu. During the last epidemic of the Spanish Influenza I did not lose a case. I treated some very bad ones, * * * Anti-Flu is the nearest approach to a specific for this dreaded disease * * * I had no deaths, and, what I consider almost equally important, I had no invalids; no one case treated was left with any bad after-effects. Anti-Flu is equally as efficient in Pneumonia; in fact it was Pneumonia that this preparation first demonstrated its superiority. Our experience with the flu has just covered a few seasons, while we have treated Pneumonia for many years with absolute success. * * * it was on account of our success in the treatment of Pneumonia and La Grippe that we adopted much the same treatment with the 'flu' * * * Our wonderful success * * * For Croups * * * For coughs, deep colds, tonsilitis, and pleurisy it is most effective. In sore throat and hoarseness * * * In whooping cough, asthma and hay fever it gives relief and shortens the attacks but is not a cure for these ailments. * * * Anti-Flu * * * In Anti-Flu you obtain the good results * * * It assists nature to cure first internally. * * * to conquer congestion. The good effects of Anti-Flu are not confined wholly to diseases and congestion of the pulmonary organs. It is very beneficial in inflammation and congestion in any part of the body, * * * muscular rheumatism, * * * etc., * * * For piles and local skin affections * * * chilblains, etc., it gives quick relief. Directions. First Aid to Spanish Influenza. Since few persons know how to properly nurse a patient, it is wise to send for a doctor, one who is not in the habit of giving strong drugs. Should complications arise your doctor should detect them and meet them in the early stages. Anti-Flu is not intended to replace the doctor, but rather to assist him and will not interfere with any other treatment he may feel it his duty to use, whether he belongs to the drug or drugless School of Healing. First. Give oil or some laxative to move the bowels and stimulate the liver, which is usually congested. Second, give light diet, or, better still, a short fast, only taking water and fruit juices. Nature needs all the vitality it can command in this crisis; do not use up this vitality just now in the work of digesting one mouthful more food than is absolutely necessary. Third, open the windows, not allow-

ing the draft to strike the patient. To fill every cell in the lungs with fresh air laden with pure oxygen is more important at this time than all the medicines ever invented. Induce the patient to spend much time in breathing deeply. Fourth, have the patient respire freely for 10 to 25 minutes, depending on vitality. For this purpose I use a sheet wrung out of lukewarm water for a strong, robust patient; for weak patients use warm water. Put an oil-cloth under them; roll them up in the wet sheet, place seven hot water bottles or bricks at their sides and feet; give a drink of hot ginger tea or lemonade; cover well; be sure they sweat well. Failure to get reaction will be injurious and may prove fatal, so make no mistakes here. If very weak before the treatment is commenced, wring out heavy towels in water as hot as can be borne and place them over chest and back. After they respire freely, wash lightly with warm water and dry well. Fifth, as soon as dry after perspiring, rub Anti-Flu well into the skin, over the sides, sides and back between the shoulder blades. Rub until the skin is red, then put on a thick coating and cover with hot dry flannel cloth doubled. Arrange the night clothes and bedding so as to form a funnel from the chest to the mouth and nose, so that the vapors may be inhaled freely. * * * Renew Anti-Flu every hour for six hours, then every four hours until the congestion is broken, then every six hours until the patient is convalescent, then night and morning until well. Use Anti-Flu freely. To hope to break up a pronounced case of flu or Pneumonia with a few applications is foolish; especially through convalescence should it be used freely, since at this time the lungs are endeavoring to get rid of a mass of puss and blood cells by resolution. Should this process be delayed abscesses may form and tuberculosis follow. Use towels wrung out of hot water for five minutes before each application of Anti-Flu. * * * For babies and tender skin omit the hot applications and use with half lard or vaseline. Pneumonia is treated in the same way as Flu. Great care should be taken in making the patient perspire. Wrapping the patient in wet sheets will give a slight chill. This is desirable, provided the reaction is speedy, the patient becoming warm in five minutes and perspiration commencing in from 15 to 30 minutes. Failure to procure this reaction is fatal, so it is all important that there be sufficient hot water bottles or bricks and that they be hot, with plenty of cover. When the patient is very low and in a decidedly weakened condition before treatment is commenced, omit the wet sheet, using the towels wrung out of hot water placed on a dry towel over the chest, side, or sides and back, until perspiration commences, then dry and use Anti-Flu as for flu. * * * Anti-Flu * * * For Coughs, Deep Colds, Bronchitis, Pleurisy, La Grippe: Apply Anti-Flu well over the chest and throat after opening the pores with the hot applications as above; cover with warm flannel. Dissolve a piece in the mouth about the size of a pea and swallow slowly. If severe, follow the same directions as in Flu. * * * Tonsillitis, Sore Throat and Hoarseness: Use as directed for coughs and colds. Whooping Cough, Asthma and Hay Fever: Use as for coughs and colds and rub well over the hips and spinal column to relieve the nervous tension. Dissolve a little in the mouth and swallow slowly. Melt some in a spoon and inhale the vapors; renew frequently, leaving cover loose so as to inhale the vapors. Head and Throat Catarrh, * * * Etc.: * * * with the finger push a little Anti-Flu up into the nostrils. * * * Piles that are not chronic are relieved rapidly. * * * Rheumatism, Stiff Joints, Sprains, Muscular Soreness: Use cloths wrung out of boiling water and apply as hot as can be borne. Keep this up 15 minutes; then use Anti-Flu freely. Rub well in. Rubbing the parts is very beneficial in itself, but with this treatment you get results much quicker and they are more lasting. Repeat the hot applications and treatment every hour until relieved. Anti-Flu * * * a large percentage of chronics are suffering from medication rather than from disease, * * * Anti-Flu is a step in the right direction. The Cause and Prevention of the Flu and Pneumonia (By Dr. Vernon). These diseases are made possible by the accumulation of excessive waste products in the body. The mass of accumulated filth attracts the Scavenger's Germs, which may be the Secondary cause of many diseases. The Name of the disease will be determined by Where the principal amount of this refuse matter is congested, and what Germs you may be exposed to at the time. The reason that what we call Filth diseases (Colds, Pneumonia, Flu, Chicken Pox, Small Pox and many others), are more prevalent in late winter and early spring, is due to the food we eat during the cold season. Nearly all of the food we eat in the winter months is devoid of Mineral Salts, which are indis-

pensable to the blood, in Nature's effort to eliminate the waste products of the body. The White flour is robbed of these products by the miller, the vegetables are largely robbed of them by the cook, the fruits that contain them are out of season to a great extent. The only way to Counteract this condition is to eat Whole flour, bake your potatoes, and boil your vegetables down so there will be No drainage water left to carry away the Mineral Salts your system craves. Eat all the fresh leafy vegetables possible and keep the bowels regular and the pores of the skin Open. Persons over 40 should use a lighter diet with more citrus fruit than younger persons. The excessive heat (fever) attending the Flu is due to Nature's effort to burn out the accumulated filth. Do not Break the fever; regulate it; keep it below 103. This is best done by sponging the chest and arms with cool water. In stubborn cases a cold wet towel wrapped around the trunk of the body, and one folded at the nap of the neck. Never use ice, and do not lower the fever too rapidly. When it comes down to 102 cease using the cold towels and sponging. Rest, fasting and proper Nursing are All important essentials, with plenty of Pure Fresh Air when nature is House Cleaning, which is the case in all these filth diseases attended with fever. To prevent the Flu as well as any of these other fever diseases, eliminate the filth before Nature is forced to resort to Fever in order to Burn it out. This is best done by sweating in a cold pack. Vapor baths are good, but not so good as the wet sheet pack. This is done by placing an oil cloth or rubber sheet on the bed, having seven hot bricks or water bottles to place at feet and sides. Roll up in a sheet wrung out of cool water, lie down between the bricks and be covered well with the bedding from two or three beds, well tucked in so as to keep all the heat in; perspiration will start in from 20 to 60 minutes, perspire freely for from 15 to 30 minutes after it starts. Take a warm bath and lie down between warm blankets for half an hour. It is well to take a cool spray after the bath. This prevents catching cold after the perspiring. Follow the above suggestions in diet, and take these packs once a week from December 1st to May, and occasionally throughout the year, and you need not fear any of these filth diseases; neither will you need any Filthy blood Polluting puss administered to you in the way of vaccine or other inoculations. This Superstitious, Heathenish practice of vaccination kills more people and makes more invalids than do all the diseases for which they are administered. Preventing The Flu This is done by removing the accumulation from the body that make it possible, regulate the diet, as suggested above, do not overeat, keep the bowels free and active, use Two of the above mentioned wet sheet packs a week, rub a little of Dr. Vernon's Anti-Flu on the lips and in the nostrils after each meal when exposed to flu germs. (This is deadly to Flu germs.) Dissolve a little in the mouth and throat. Keep this up 30 days until the packs have eliminated the filth that attract the germs and then you need not fear them. Go to some good Chiropractor and have him examine the nerves that supply the Throat, Lungs and Chest. If those nerves are not perfectly free from undue pressure, have them put in Normal condition. Nature's Dynamo cannot do her work properly if the Wires are Shorted. The Chiropractor is the only Human Electrician to trust this repair work to that I know of. In my early practice, I, like most other practitioners, was Prejudiced. I thought the Chiropractor was a Humbug. Just another case of Ignorance. I know nothing of him only from hearsay. When many wonderful results from this new science were brought to my notice, I decided it was well to investigate. I did, with the result that now I often recommend patients to go to a Chiropractor. I do not believe they have a Cure All method as some of them would lead us to believe, and I have as little use for a Narrow Chiropractor as I have for a narrow practitioner of any other school, but I do say they are the Only Reliable repair men when the Human wiring (nerves) are shorted or partially severed. And I find many ailments are traceable to this cause that I was unable to account for before investigating this new science. Any person who will follow the above advice for 30 days and still contracts the Flu, is eligible to the \$100 reward that is waiting in the bank for them. * * * Anti-Flu * * * It is indispensable in treating Croup; it is of equal value for * * * Pneumonia as it is in the treatment of Flu. Guarantee * * * Specific or Anti-Flu * * * Purest, Best and Most Reliable Treatment * * * my own personal formula and treatment, used in my private practice, without the loss of a single case. When used as directed, this treatment will Absolutely Prevent Flu or Pneumonia or you will get the \$100 as per contract. Should you contract these diseases, you will find this treatment to be the best obtain-

able for them as well as for Croup, * * * Sore Throat, Tonsilitis, Etc., giving quick relief in Whooping Cough, Asthma and Hay Fever. Should You Not Find this the Best Treatment you ever used for the above, bring it back. * * * Our Anti-Flu Substitute * * * looks and smells like our Specific. * * * But If You Do Not Find It To Be As Good As Any Other Treatment On The Market except our Specific, send it back. * * * Contract The undersigned, having deposited \$100.00 with the first National Bank of Trinidad, Colorado as Reward Money, with instructions that it be given to the first person who may contract the Flu or Pneumonia after having faithfully followed the instructions as set forth in Dr. Vernon's Leaflet, 'The Cause and Prevention of the Flu,' for at least 30 days prior to such contraction, together with full compliance with this contract. Lips and nostrils must be moistened with a little of Dr. Vernon's Anti-Flu and a small amount dissolved in the mouth and throat after each meal. The rules of diet set forth in the leaflet must be followed. Eight of the wet packs must have been taken as directed and at least 3 days apart. This is to eliminate the poison from the body that makes the Flu possible. At least one Chiropractic Adjustment a week for 4 weeks must have been taken. This will free any impinged nerves and assist Nature to functionate properly, eliminating the waste products as they appear. Spend ten minutes each day in deep breathing exercises. To protect us from crooks and to let us know you are following directions, this contract must have been properly signed 30 days prior to taking the Flu or Pneumonia and must be delivered to this office, by mail or otherwise, at least 25 days prior to such contraction. * * * Signed Vernon Laboratories."

On March 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19466. Misbranding of Viavi liquid and Viavi liquid and cerate. U. S. v. 10 Packages of Viavi Liquid and Cerate, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 27709, 27710. I. S. No. 31933. S. No. 5550.)

The drug products herein described consisted of two lots of Viavi liquid and one lot of Viavi liquid and cerate, the latter being a combination consisting of a bottle of the liquid and a box of ointment. The labeling of the products contained statements representing that they possessed curative and therapeutic properties which, in fact, they did not possess.

On February 4, 1932, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 packages of Viavi liquid and cerate, quarter course, 22 packages of Viavi liquid, quarter course, and 11 packages of Viavi liquid course, remaining in the original packages at Denver, Colo., consigned by the Viavi Co., San Francisco, Calif., alleging that the articles had been shipped in interstate commerce from San Francisco, Calif., into the State of Colorado, in part on or about August 8, 1931, and in part on or about October 13, 1931, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of Viavi liquid and Viavi liquid and cerate by this department showed that Viavi liquid consisted essentially of glycerin, extracts of plant drugs including hydrastis, and water; and that the Viavi liquid and cerate consisted of a bottle of the liquid (composition as stated above) and a box of ointment consisting essentially of tannin, berberine, and a trace of hydrastine in a base of theobroma oil and a petroleum product.

It was alleged in the libel that the articles were misbranded in that the following statements on the labels, regarding the curative or therapeutic effects of said articles, were false and fraudulent: (Bottle label of Viavi liquid) "For Catarrhal Conditions of Nose, Throat and Bronchia * * * For Catarrhal and Inflammatory Conditions of the Stomach, Bowels, Kidneys, Bladder, Urethra;" (tin label of Viavi cerate) "Always rub toward the heart, in severe inflammation treat the parts with compresses."

On May 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19467. Misbranding of Dr. Simmons Four-Fold salve. U. S. v. 54 Packages, et al., of Dr. Simmons Four-Fold Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27720. I. S. No. 32237. S. No. 5796.)

Examination of a drug product, known as Dr. Simmons Four-Fold salve, from the shipment herein described having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the jar and carton labels, and in an accompanying circular and sample tin container, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On February 9, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 packages and 36 samples of the said Dr. Simmons Four-Fold salve, remaining in the original unbroken packages at Trinidad, Colo., consigned by Wm. R. Warner Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about October 24, 1931, and had been transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Dr. Simmons Four-Fold salve by this department showed that the article consisted essentially of volatile oils (10 per cent) including camphor, menthol, and methyl salicylate, incorporated in petroleum (90 per cent).

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar) "Recommended in the treatment of Pneumonia, * * * chest-coughs, Tonsilitis, Bronchitis, Boils, * * * in the treatment of inflammation and congestion of lungs, throat, and air passages. * * * open the pores of the painful parts by applying warm cloths wet or dry;" (carton) "Pneumonia * * * Coughs and Inflammations, and Congestions of the respiratory organs. * * * Inflammation and Congestion of the lungs, air passages and throat. * * * Inflammation and congestion of the Throat, Lungs and Air Passages, such as * * * Colds in the chest, Catarrh, Asthma, Tonsilitis and other forms of Sore Throat * * * may be used in large quantities in severe cases. * * * Boils * * * Stiffness in the neck and joints and soothes the pains of Rheumatism;" (circular) "For the best results in more severe cases the specific directions should be followed. Colds in the * * * Chest— * * * treat colds of any kind as soon as they appear— * * * Rub the salve well over the chest and neck freely, * * * Pneumonia— * * * apply Four-Fold Salve to the Chest, throat and back— * * * repeat this treatment as often as necessary * * * For Localized Pains * * * apply Four-Fold Salve * * * Asthma and Catarrh— * * * Eczema * * * Boils, * * * Apply Four-Fold Salve to the afflicted parts— * * * in toothaches and sore gums. Coughs— * * * Tonsilitis, Bronchitis and Non Diptheretic Sore Throat— Apply to the Throat * * * repeat this treatment as often as necessary;" (sample tin container) "For Croup * * * Colds in the Chest, Catarrh, Asthma, Tonsilitis and other forms of Sore Throat."

On March 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19468. Misbranding of Von's pink tablets. U. S. v. 18 Large Packages, et al., of Von's Pink Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27731. I. S. No. 31920. S. No. 5818.)

Examination of a drug product, known as Von's pink tablets, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the bottle label and in an accompanying circular and booklet, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On February 16, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and con-

demnation of 18 large packages and 18 small packages of the said Von's pink tablets, remaining in the original unbroken packages at Denver, Colo., consigned by the Omaha Von Co., Omaha, Nebr., alleging that the article had been shipped in interstate commerce from Omaha, Nebr., into the State of Colorado, in various lots, on or about December 4, 1931, December 17, 1931, December 22, 1931, and January 16, 1932, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Von's pink tablets by this department showed that the article consisted essentially of bismuth subnitrate, magnesium oxide, and sodium bicarbonate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and in the circular and booklet, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "To be used for stomach and intestinal disorders and other systemic conditions, induced by hyper-acidity. Directions For the first week take one tablet after meals, three times a day, and drink a glass of milk between meals and a cup of hot milk at bedtime. The milk is beneficial but not absolutely necessary. After the first week then take two tablets, after meals, three times a day, and continue to drink the milk as before. Tablets may be chewed, broken up or partly dissolved in a tablespoonful of water, drinking water afterwards. Drink all the water you like anytime;" (Pink circular) "Directions and instructions It Is Extremely Important that you follow all the directions and instructions faithfully for quick results. The treatment is the same for either Acidosis or Ulcers. Directions: The first week take one tablet after meals, three times a day. Drink a glass of milk, or fruit juice, two hours after each meal. If troubled with sleeplessness, warm the milk you drink in the evening. After the first three days, begin increasing the food you take at meal times. After the first week, take two tablets instead of one and continue the other directions as before. No lunches between meals, except the milk or fruit juice. Tablets should not be swallowed whole but should first be broken up, or partly dissolved in a tablespoon of water. Drink a full glass of water afterwards. Drink at least a quart of water each day. If you experience some nausea the first few days do not stop the treatment as it will soon pass. If constipated do not use harsh physics. Use pure mineral oil, secured at any drug store. Quit the mineral oil as soon as possible. Form the habit of a regular time each day for bowel attention. If your bowels are too loose at the start, boil one or more of the glasses of milk you drink. As you eat more food bowel looseness will quit. The stool will be quite dark or even black. Instructions: Do not eat the following acid producing foods: wheat, oats or rice products—white or whole-wheat bread—oatmeal—rice—pork or veal—eggs—fish—oysters—prunes or cranberries. You can, and should, eat the following foods: rye or corn breads, muffins or breakfast foods—beef, mutton and lamb—beef liver—all vegetables without exception and especially baked potato—any of the milk products, such as milk, cream, buttermilk, malted milk, cheese, ice cream—and you should especially make some fruit or fruit juice (except prunes or cranberries) a part of your breakfast each day. You can eat any desserts that are not made largely of eggs. Avoid alcohol in any form. Avoid tea entirely. Drink but one cup of coffee a day. If you now use tobacco do not stop. Information: There are no ingredients in these tablets to harm the most sensitive stomach, nor harm any other organ of the body. They contain no narcotics nor any other habit forming drugs. They do not lose their effect, as some medicines do, but can be taken over a long period of time with good results. The time it takes you to get well will depend upon your condition, and how faithfully you follow the treatment. Ulcers should heal completely in sixty days of uninterrupted treatment. Acidosis sometimes responds sooner and sometimes takes longer for complete results. A cold adds acid to the stomach. Worry and fear are bad for the stomach. Take reasonable outdoor exercise. As soon as you can, without distress, eat more substantial meals, at regular meal times, to build up your general strength and to give your stomach and bowels the exercise they need. We are interested in your getting well and will be glad to answer any questions concerning the treatment but we cannot diagnose cases nor act as consultants;" (booklet) "Highly efficient in the treatment of acidosis and ulcers of the stomach. The Stomach The stomach is the dynamo of life. When

it is out of order everything goes wrong. If you cannot digest energy-producing foods without distress, all life drags. It is in the stomach that food gets an important treatment that turns it into the energy that propels life; using such elements of the food that are useful; helping to distribute such elements to the blood stream to be carried to all parts of the body; and assisting in the rejection, as ash, that portion of the food that is exhausted of its good, and those parts that are useless. When this marvelously constructed organ is out of order, and has to do its tremendous job limpingly, every other part of the entire system suffers more or less. Fortunately nature has endowed the stomach with great recuperative powers. It can be brought back to its full working ability, if the effort is attended with the exercise of common sense, the proper kind of medicinal help, and a little patience and cooperation on the part of the stomach's owner. Acidosis You have often heard about the need for a balanced diet. Recent laboratory researches have revealed the need for another sort of balancing, termed the 'chemical balance' and a most important one. Every movement of a muscle of the body burns up some of the food fuel, leaving a residue or ash. This residue is always acid. In order to prevent the accumulation of acids, the blood and tissues are slightly alkaline. The excess of alkali over acids is known as the alkaline reserve, and this margin, called the 'chemical balance' though quite small is of vital importance. When there is a normal alkaline reserve, the acid toxins from burned up food are effectively neutralized; but when the reserve is diminished and the acid predominates then the stomach is out of 'chemical balance' and this surplus of acid causes all manner of disturbances resulting in indigestion; gas; dizziness; heart palpitation; bad sleeping; vomiting; sour taste; teeth on edge; food distress; loss of weight; poor appetite; headache; nervousness; constipation; irritability; moroseness; bad breath; body odors; and a tired, dragged out, lifeless feeling generally. This condition is known as Acidosis. Not all of these symptoms are present at the same time and, in lots of cases, the disturbances are intermittent, with either long or short periods of comfort between periods of distress. Acidosis is perhaps the most prevalent complaint of modern civilization, due largely to the kind and character of the foods we eat, improper mastication, unbalanced diet, bowel irregularity and lack of proper exercise. The taking of bicarbonate of soda, as a temporary relief from gas pains, is said to be the greatest drug habit of the day. And soda gives but a temporary relief. Acidosis is not a temporary condition but a disease and must be treated as such. If neglected it is apt to be the forerunner of more serious complaints. Because it is a disease temporary expedients are useless and finally result in merely aggravating the case. Over-night remedies and free trial samples usually are merely laxatives or gas expellers that have an immediate stimulating effect perhaps but leave the case worse off in the end. Nature is long suffering and breaks down slowly, even under abuse, and, by the same token, recovery takes time. No real treatment would profess to cure a long standing complaint with a few doses of medicine. It is the history of all worth while scientific discoveries that they are not accidental, nor the product of some ignorant 'witch doctor' but are evolved from years of labor, research, and experiments, by minds trained in the fundamentals of the subject. The stomach is a sturdy but intricate piece of machinery and when it gets out of order is certainly worthy of the best repair materials to be found. People have been so accustomed to see 'Patent Medicines' advertised at anywhere from ten cents to a dollar that they think a dollar is the limit and anything over that price an extravagance. And that may be true of strictly 'Patent Medicines' that are intended for only temporary results or that correct temporary disturbances. On the other hand no one questions the physician's charge of three to five dollars for consultation or for succeeding visits because, in going to a doctor, he has recognized the need of expert services and expects to pay for them, and to pay the druggist an additional fee for filling the medicine that is prescribed for the trouble. Von's Pink Tablets is not a 'Patent Medicine' in any sense of the word. It is a scientifically correct formula. Compounded of fine materials in one of the largest and best equipped laboratories in the country. And intended, not as a temporary measure, but to get at the source of the trouble and to correct it. Acidosis is always present when one has taken cold. Your stomach may be in perfect 'chemical balance' but take a cold and immediately a hyper-acid condition appears. This may be only temporary or it may be the start or recurrence of more serious acidosis conditions. Constipation is often present in

Acidosis cases. The originators of this treatment recognized this fact and took it into account. One of the principal functions the medicine performs is to regulate the bowels and it does it in such an efficient manner that it might almost be called a remedy for constipation, a remedy science is constantly trying to find. If this treatment did nothing else beyond its efficacy in regulating the bowels it would, for this purpose alone, be worth many times its cost. In a few weeks' time Von's Pink Tablets will correct the most stubborn case of constipation, and after that a tablet a day will keep the bowels in fine condition. One patient had been taking cathartics for 20 years and got to the point where he found it necessary to take Epsom salts every night. You can imagine what a drastic physic that was and how hard it must have been on his system. He started taking this treatment for ulcers and reported, among other satisfying things, that he was astounded at the manner in which his bowels reacted to the treatment. At the end of the first week, with the aid of a little mineral oil, he was able to quit the salts and in two weeks he quit the oil and his bowels have been splendid ever since. Another man said that for years he awakened every morning with the worry as to how he could get his bowels to move that day. This treatment has straightened him out and he says he never thinks of the subject any more. This same man, by the way, had the worst case of Acidosis, without ulcers, that we have ever seen. He is 28 years old. Came to us in a pitifully weakened condition. Said he used to be so strong that he did not know his full strength, with a grip that he felt could crush anything his hand grasped. When we first saw him he was unable to work. Could eat very little of anything. Had almost every acidosis symptom mentioned in the first pages of this pamphlet and about all of them at the same time, with no rest periods. When we told him we hoped to have him eating beefsteak in a month he looked at us in a wistful way and said, 'Mister, I have forgotten what beefsteak even looks like!' Well, to make a long but a very interesting story short, in two weeks he began to pick up. His bowels were functioning good. He could eat better. His bad breath and body odors were gone. He was more cheerful and had only a few of the long list of symptoms left. In a month he was not only eating beefsteak but fried bacon and about anything else he wanted to eat. Had gone back to work. Said his strength felt as though it was just surging back into his body. He was blessing us and going to a dance that night. There are many mild cases of Acidosis that do not require a regular course of treatment but are a constant annoyance nevertheless. These cases experience some gas and a sort of bloated or overstuffed feeling after eating. One or two of Von's famous Pink Tablets, taken after the heavy meal of the day, or a late supper or banquet at night, will keep the stomach in good condition, do away with that gaseous overstuffed distress after eating, besides helping to regulate the bowels. Von's Pink Tablets will correct any case of Acidosis and restore the stomach to a healthy normal 'chemical balance.' Stomach Ulcers, whether located in the stomach, duodenum or lower tracts, yield to Von's Pink Tablets. Acidosis Is Always Present With Ulcers. Therefore, all of the symptoms and the statements made in the preceding paragraphs respecting Acidosis also apply to ulcer cases. And in addition to the acidosis conditions there are raw sores to be contended with that cause their own pains and distress. Some ulcer cases experience pain that is variously described as burning, gnawing, dull ache, or merely vague discomfort. The more aggravated cases have cramps, doubling up, tearing or knife like pains and sometimes a choking sensation. Sometimes these pains are described as constant and sometimes they are described as coming on a few hours after meals when the stomach begins to empty. A full stomach sometimes relieves the pains but as the stomach empties they come on again. Frequently there will be quite long periods of relief extending even to months and then they come back again. Taking cold, with its rush of acid in the stomach brings back all the old pains. Unless, of course, the ulcers have been healed up. Even then when a cold is contracted Acidosis sets in with its distresses and the ulcer patient thinks he has suffered a recurrence of ulcers but usually a few tablets taken at that time will correct the Acidosis and drive away the ulcer symptoms. One man, a railroad engineer, reported that he had suffered with a pain in the pit of his stomach, without any let-up, for fourteen years. After taking Von's Pink Tablets for two weeks his pain suddenly left him and has not returned. Recently his wife said to us, 'You don't know what you have done for our whole family in relieving my husband of that constant, terrible pain, after fourteen years of it. It has

brightened up the lives of all of us.' An elderly gentleman, 72 years old, came to our offices. He said he had to stop down stairs in a restaurant and get a 'shot' of soda before he could come up to our floor. Said he had suffered with ulcers for 40 years and had spent thousands of dollars on his stomach without any success. He said he had been treated by he did not know how many and had tried everything he could find but had just about given up but he heard about us and came to see us as a last chance. You should have seen him in thirty days' time. You would not have known him as the same man. Pain all gone. Bowels fine. Eyes bright. Walked with quite a lot of pep for a man of his age. 'Feeling tip-top' he said and we almost blushed at the fine things he told us about what we had done for him, after 40 years of suffering. One poor woman had become so weak from pain and lack of nourishment that she had been in bed a year. In two weeks she got up out of bed and came down town in a street car to tell us that our treatment was the only thing that had ever done her any good though she had tried everything she could ever find for her trouble. In thirty days her pain was all gone and she was eating well and gaining strength every day. We could tell you of many, many more if we wanted to use up reams of paper and you had the time to read them but these cases are typical of the accomplishment of this treatment after everything else has failed of results. Some ulcer cases apparently have no real pain but their stomachs are sore. Sometimes the soreness is in one spot and sometimes it seems to be all through the stomach. We had one man recently who said he had tried everything but his stomach remained so sore he could hardly bear his clothing against it. His work consisted largely of stooping and lifting heavy objects so you can imagine his suffering. After two weeks of treatment with Von's Pink Tablets he was so delighted that the soreness was all gone that he came to prove it by pounding himself in the stomach with his fist, and we were delighted for him. Operations, in ulcer cases, are not always successful and most people dread the knife. They entail also a large expense and the spending of considerable time in a hospital and a long period of recovering strength. An operation removes the ulcers but does not correct the acidosis condition accompanying the trouble. We have had many letters stating that after going through all the horrors of an operation, pains and distress reappeared in a few weeks and the suffering was as great as before. We have saved many people from the necessity of operations and have corrected the trouble of others after operations. We quote from a letter received recently from a Minnesota farmer who says, 'Before taking your medicine I had been in the hospital and they told me there I had to have an operation. They took X-ray pictures of me and they said I was quite bad. So we saw your ad and I thought I would try your medicine before I would take an operation. I have taken the medicine for five weeks and feel sure now no operation is necessary and I certainly feel good and expect to be well in sixty days from the time I started taking Von's Pink Tablets. I have started a friend taking them who has a bad stomach.' In treating ulcers two things must be accomplished,—the acidosis condition must be corrected, and the ulcers must be healed. An unprotected ulcer is irritated by any solid foods passing over it. This is why most treatments call for a liquid diet in the hopes of lessening this irritation and its consequent pains. But even under a liquid diet there remains the irritation from the acid in the stomach eating away at the ulcers. Von's Pink Tablets coat the ulcers over with a soothing medicinal coating that protects them from the food passing over them and protects them from the acid in the stomach and any acid in the food eaten. This relieves all the pain, permits the patient to eat good, nourishing, strength building food, and at the same time corrects the acidosis condition and restores the 'chemical balance' of a normal healthy stomach. There is nothing in the tablets that could injure the most sensitive stomach nor any habit-forming drugs. Von's Pink Tablets goes at its work quietly and easily and takes only a little time before results are shown. No inconvenience nor loss of time from the everyday activities. And no rigid liquid diet. It consists of a scientifically correct medicine, in tablet form, together with certain simple instructions and the direction of your eating during the treatment so you may build up an appetite, enjoy your meals, and avoid certain acid producing foods. Wise nature gives an alarm when any part of the system goes wrong. This alarm is registered by pain or other symptoms. It is not wise for you to disregard such alarms. When the stomach informs you that it is in trouble action should be taken immediately to remedy the trouble. Stomach ulcers are a serious matter.

They result in loss of tissue of the mucous membrane and, if allowed to grow, attack the deeper structure of the stomach walls and in time may prove fatal. They need scientific assistance to heal them properly. Von's Pink Tablets will render this assistance simply and inexpensively. All that we have told you in this pamphlet or all that anyone, who has benefited by the treatment, could tell you, has its encouragement; still, the final convincing proof in your own case, as it must be in every case, as to what the treatment will accomplish, is the actual taking of the treatment itself. The sooner you start taking the treatment, therefore, the quicker you will get relief from your own suffering, and it is relief you are seeking. Regardless of how many people have treated you in the past, or what you may have taken without success, Von's Pink Tablets will bring the results you are looking for. There are many things on the market that might give you temporary relief from pain but we know of no other treatment, advertised to the public, that professes to actually heal ulcers and correct Acidosis in so short a time. This is your opportunity to get well and you should take advantage of it with as little delay as possible. If you should misplace this pamphlet or lose our address opportunity might not again knock at your door. Statistics would indicate that about one person out of every four has Acidosis, whether they know it or not. And that about one out of every seven persons has advanced to the stage of ulcers. It is nothing to be ashamed of nor to be embarrassed about. It is merely an unfortunate circumstance of modern civilization but it should be attended to before more serious consequences occur. Von's Pink Tablets, as an efficient remedy for both Acidosis and ulcers, met with such an immediate demand from all parts of the country that, to treat so many people soon became a problem beyond the ability of one man to take care of alone. Therefore an organization was perfected to better serve you and others with Acidosis and ulcers. The Company handles nothing but Von's Pink Tablets. Our prevailing thought is to bring back your health, your happiness and the happiness of those around you, in as short a time and at as little expense as possible."

On March 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19469. Misbranding of Buhler oil. U. S. v. 42 Bottles of Buhler Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27748. I. S. No. 42669. S. No. 5814.)

Examination of a drug product, known as Buhler oil, from the shipments herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article, in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On February 13, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 42 bottles of the said Buhler oil, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the Gelschaft Laboratories, from New York, N. Y., in part on or about July 17, 1931, and in part on or about September 15, 1931, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Buhler oil by this department showed that the article consisted essentially of a fatty oil (approximately 23 per cent) and volatile oils (approximately 77 per cent) including turpentine oil, menthol, and camphor.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Health-Wealth-Happiness * * * For Rheumatism, Gout And All Muscular Pains;" (wrapper) "Health-Wealth-Happiness * * * For Rheumatism, Gout and All Muscular Pains;" (shipping carton) "For Rheumatism;" (leaflet) "For Rheumatism, Gout, Neuritis, Lumbago, Sciatica, Arthritis, * * * Backache. * * * Nature's Relief for Gout and Rheumatism * * * relieves the pain after a few applications. Cases of the worst kind have been relieved and in many instances, one bottle has brought wonderful results. Of course, in very bad cases, one bottle will not be

enough, but by using three or four bottles, marvelous results may be assured. For purifying the skin, * * * dried joints * * * Buhler Oil has proved itself to be most successful. * * * Directions: * * * Should the pain be in the shoulder, elbow or wrist, always rub down as far as the tips of your fingers. * * * Keep the sore spot warm, * * * you will obtain immediate relief. While using this oil for rheumatism;" (circular) "What Buhler Oil Has Done for These Good People Buhler Oil Can Do for You. * * * End Your Suffering Now * * * [Testimonials] 'I could not bend my knee. * * * I am now using Buhler Oil, * * * what a difference in my knee. Every day I notice I can bend it a little more.' * * * 'Treatment for Rheumatism * * * 'It is the best external treatment for rheumatism * * * that I ever saw.' * * * Confined In A Wheel Chair, * * * 'I am a sufferer and have been for the past ten years * * * got a few ounces of Buhler Oil which seemed to do me more good than anything I have found so far.' * * * 'My wife has been troubled with arthritis * * * and has suffered greatly with pains in her joints, especially the knee joints. * * * I bought a bottle of your Buhler Oil * * * the finest thing of the kind I have ever tried.' * * * Buhler Oil Is The Wonder That Does The Work. * * * 'I don't think there is any doctor who can cure rheumatism, but Buhler Oil is the one that does the trick. I had rheumatism so severe I could hardly walk. * * * Only the first few drops * * * relieved the pain like a dentist does a tooth-ache. I have no more pain now.' * * * Buhler Oil Affords Instant Relief In Arthritic Rheumatism! * * * 'It seems to afford instant relief, especially in the morning when my rheumatism (arthritis) is the worst.' * * * 'Having suffered from rheumatism for quite some time I had tried everything in search of relief. For five weeks I have been unable to walk and seeing your advertisement on Buhler Oil I tried it. * * * want to write you this hoping through it more people suffering from rheumatism * * * will be guided in using this most wonderful Buhler Oil.' * * * 'Worst Case of Lumbago Left Me * * * six months of pain in the small of my back. * * * I could not sit up to eat my meals * * * I saw your ad on Buhler Oil and it was also recommended for my trouble, lumbago—the worst kind. * * * the pain has left me. * * * a wonderful oil for anyone who is afflicted with rheumatism or lumbago, * * * relieves the pain. * * * I will recommend it to many who are afflicted.' * * * 'For months I suffered the awful pains of sciatic rheumatism * * * so severe that they kept me awake nights.' * * * Each of the above letters is an expression from a sufferer who has secured relief through Buhler Oil."

On March 30, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19470. Adulteration and misbranding of ether. U. S. v. 25 Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27773. I. S. No. 32313. S. No. 5865.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On February 24, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cans of ether, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the J. T. Baker Chemical Co., from Phillipsburg, N. J., on or about January 12, 1932, and had been transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U. S. P. for Anesthesia."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, since it contained peroxide.

Misbranding was alleged for the reason that the statement on the label, "Ether U. S. P.," was false and misleading in that the said statement represented that the article was ether of pharmacopoeial standard, whereas it was not.

On March 9, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19471. Misbranding of R & G medicinal water. U. S. v. 3,672 Half-Gallon Bottles of R & G Medicinal Water. Decree of condemnation entered. Product released under bond. (F. & D. No. 27779. I. S. No. 52097. S. No. 5859.)

Examination of the R & G. medicinal water involved in this action having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it on the bottle label, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about February 26, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3,672 half-gallon bottles of the said R & G medicinal water at Chicago, Ill., alleging that the article had been shipped by W. B. Abadie from Austin, Tex., February 1, 1932, and had been transported from the State of Texas into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "A gift of nature Lone Star R & G Natural Medicinal Water."

Analysis of a sample of the article by this department showed that it contained 7,440 (bottle No. 1) and 7,608 (bottle No. 2) parts per million total dissolved mineral matter (dry basis), which consisted chiefly of magnesium sulphate (Epsom salt) sodium sulphate (Glaubers salt), calcium chloride, sodium chloride (common salt), and calcium bicarbonate (limestone held in solution by carbon dioxide) together with small amounts of other constituents common to ground waters, and 9.2 (bottle No. 6) and 15.6 (bottle No. 7) parts per million hydrogen sulphide.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle label, were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers and create in the minds of purchasers the impression and belief that it contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned on the said label: "For Kidney, Bladder and High Blood Pressure, * * * Ulcer of the Stomach, * * * Indigestion, * * * Eczema, Skin Ulcers, or Sores of any kind, * * * Hay Fever, * * * for Coughs and Hiccoughs."

On March 2, 1932, Charles H. Apple, Chicago, Ill., having appeared as claimant for the property, judgment was entered finding that the statements in the label, as above quoted, constituted a misbranding of the product and that the libel be taken as confessed and the labels condemned. It was further ordered that the product be released to the claimant upon filing a bond in the sum of \$500, conditioned that the labels be obliterated or removed and labels placed thereon which contained no misbranding.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19472. Misbranding of Ballard's Golden oil. U. S. v. 120 Small Bottles, et al., of Ballard's Golden Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27803. I. S. No. 39084. S. No. 5895.)

Examination of samples of Ballard's Golden oil disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article on the bottle label and wrapper and in an accompanying circular.

On March 3, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 120 small bottles and 72 large bottles of the said Ballard's Golden oil, remaining in the original unbroken packages at Boston, Mass., consigned in part on or about June 20, 1931, and in part on or about January 30, 1932. It was alleged in the libel that a portion of the article had been shipped by the Ballard Golden Oil Co., and that the remainder had been shipped by I. A. Ballard, both consignments having been made from Old Town, Me.,

that it had been transported from the State of Maine into the State of Massachusetts, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of linseed oil with small proportions of volatile oils such as peppermint oil, cedar oil, origanum oil, and methyl salicylate.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For the relief of * * * Croup, Colic, Asthma, * * * Common Sore Throat, Whooping Cough * * * Used externally for Muscular Rheumatism, Lame Back, Chilblains, * * * Fresh Wounds, * * * For Croup * * * For external pains;" (bottle wrapper) "Used for the relief of * * * Croup, Colic, Asthma, * * * Common Sore Throat, Whooping Cough, * * * Muscular Rheumatism, Lame Back, Chilblains, * * * Fresh Wounds;" (circular) "Be prepared for the emergency which may come at any time * * * croup, asthma, common sore throat, * * * and etc. * * * For Croup * * * Common Sore Throat take Ballard's Golden Oil freely as directed, heat and rub throat with the Oil, this will aid to soothe, loosen and heal the effected parts. For Colic take Ballard's Golden Oil as directed, let it help you get rid of the griping pains. For Muscular Rheumatism * * * it is a foe to Inflammation; thousands use and praise it for * * * healing qualities. * * * It Is Wonderful For Children * * * It is highly recommended as an emergency remedy for its loosening, * * * and healing qualities."

On March 30, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19473. Adulteration of tincture aconite. U. S. v. Five 4-Ounce Bottles of Tincture Aconite. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27912. I. S. No. 32838. S. No. 5951.)

Samples of tincture aconite from the shipment herein described having been found to possess a potency not more than two-thirds of that required by the United States Pharmacopoeia for tincture aconite, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On March 12, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five 4-ounce bottles of the said tincture aconite, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Upjohn Co., from Kalamazoo, Mich., on or about February 10, 1932, and had been transported from the State of Michigan into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

On March 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19474. Adulteration of ether. U. S. v. 50 Half-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28386. I. S. No. 10837-A.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On June 9, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 50 half-pound cans of ether, remaining in the original unbroken pack-

ages at Wilkes-Barre, Pa., alleging that the article had been shipped by the Mallinckrodt Chemical Works, from New York, N. Y., on or about April 30, 1932, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

On June 30, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19475. Misbranding of Fem tonic. U. S. v. 2¼ Dozen Bottles of Fem Tonic. Default decree of destruction entered. (F. & D. No. 26914. I. S. No. 37439. S. No. 5096.)

Examination of a drug product, known as Fem tonic, from the shipment herein described having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the carton and bottle labels and an accompanying circular, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Arkansas.

On August 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two and one-fourth dozen bottles of the said Fem tonic at Little Rock, Ark., alleging that the article had been shipped by the J. S. Merrell Drug Co., from St. Louis, Mo., on or about June 5, 1931, and had been transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including nux vomica and a laxative drug, a small proportion (0.07 per cent) of salicylic acid, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing on the bottle and carton labels and in the circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Women * * * Safe and Beneficial During Pregnancy * * * Recommended for Non-Surgical Cases where it is desired to Tone and Strengthen the Female Organs Correct the conditions commonly known as Painful and Irregular Menstruation and as a palliative for the distress accompanying Menopause (change in life);" (carton) "For Women * * * Recommended for Non-Surgical Cases where it is desired to Tone and Strengthen the Female Organs Correct the conditions commonly known as Painful and Irregular Menstruation and as a palliative for the distress accompanying Menopause (change in life) Safe and Beneficial During Pregnancy * * * is absolutely safe to use during the entire period of pregnancy. It acts as a valuable aid in reducing the pains of labor and promotes speedy recuperation. * * * Especially Recommended For Weakness, Disturbed Functions, Leucorrhoea (whites), Scanty, Profuse, Painful and Irregular Menstruation, Distress Accompanying Menopause (change in life), and similar conditions which may be amenable to non-surgical treatment;" (circular) "For Women is designed particularly for that condition commonly known as Female Weakness and may be depended upon to produce blessed relief and benefit in even those cases which nothing else seems to reach. It builds up, tones and strengthens the delicate female organs, promoting healthy, vigorous and harmonious activity and helps regulate the functions. It is, therefore, a most dependable internal medicine. For Painful Menstruation including delayed, profuse, scanty and irregular periods: also for the distressing symptoms which accompany the menopause or change of life. Relieves leucorrhoea (whites). During Pregnancy * * * For Women—is not only a safe and dependable medicine but one which will do much toward building up the generative organs, lessening the pains of labor and recuperation after childbirth. For Girls and Young Women who are anemic, weak, nervous, irregular, Fem Tonic for Women—is a blessing. Its strength-building properties which exert a beneficial effect upon the entire system and particularly upon the female organs, produce beneficial results if the directions are followed."

On July 6, 1932, no claimant having appeared for the property, judgment was entered, ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19476. Alleged misbranding of Dr. M. Hermance's asthma and hay fever medicine. U. S. v. 60 Bottles of Dr. M. Hermance's Asthma and Hay Fever Medicine. Tried to the court and a jury. Verdict for the claimant. Decree ordering libel dismissed and product restored to claimant. U. S. v. 27 Bottles of Dr. M. Hermance's Asthma and Hay Fever Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 24777, 27701. I. S. Nos. 027648, 42754. S. Nos. 3135, 5769.)

These cases involved the seizure of two lots of a drug product represented to be a treatment for various ailments, particularly asthma and hay fever. Since asthma is a symptom of several unrelated ailments resulting from widely differing causes and no drug or combination of drugs could reasonably be deemed a curative agent in all such dissimilar ailments, and since the advice of experts was that the article would be ineffective in the treatment of hay fever, and in view of the presence in the medicine of potassium iodide, a drug which aggravates tubercular tendencies, both active and latent, the Secretary of Agriculture reported to the United States attorneys for the Southern District of New York and the Eastern District of New York that quantities of the product were located in their respective districts and recommended seizure under the food and drugs act.

Analysis of a sample of Dr. M. Hermance's asthma and hay fever medicine by this department showed that the article consisted essentially of potassium iodide, extracts of plant drugs including licorice and lobelia, alcohol, and water.

On May 24, 1930, a libel was filed in the Southern District of New York praying seizure and condemnation of 60 bottles of the said Dr. M. Hermance's asthma and hay fever medicine, and on February 3, 1932, a libel was filed in the Eastern District of New York against 27 bottles of the product. The libels charged that the article had been shipped by Claude A. Bell from Lowell, Mass., in interstate commerce into the State of New York, the former on or about March 13, 1930, and the latter on or about October 23, 1931; that it remained in the original unbroken packages at New York and Brooklyn, N. Y., respectively, and that it was misbranded in violation of the food and drugs act as amended. Both libels contained substantially the same misbranding charges:

It was alleged in the libel filed in the Southern District of New York that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Asthma And Hay Fever Medicine * * * Used in Asthma and Hay Fever for almost a century * * * This medicine should be taken in doses sufficiently large to arrest the paroxysm and help the person to breathe more freely. * * * 'This medicine has been found helpful in catarrhal conditions * * * It cuts the phlegm and helps to clear the bronchial tubes.' * * * Directions * * * For Asthma, * * * Use Hermance's Asthma & Hay Fever Medicine as directed, otherwise the good effects of a good medicine may be lost;" (carton) "Asthma And Hay Fever Medicine * * * Used in Asthma and Hay Fever for almost a century * * * Used By Three Generations In Asthma And Hay Fever For Nearly A Century This Medicine Has Been Found Helpful In Asthma, Hay Fever, Catarrhal Conditions;" (circular) "That Terrible Disease Asthma * * * Dr. M. Hermance's Asthma and Hay Fever Medicine. A medical compound which, when properly and perseveringly used, has been found helpful in the treatment of Asthma and Hay Fever. As these disorders are of a persistent nature, a person suffering from them must be equally persistent. * * * The best evidence of the real worth of this medicine is found in the fact that it has been on the market for more than 82 years. * * * Prescribed by many prominent physicians. * * * Dose for Adult—For Asthma. * * * If you have a bad attack, take the medicine every twenty minutes, increasing each dose up to two teaspoonfuls. Until relieved. * * * Hay Fever— * * * For Catarrhal Conditions * * * This medicine should be taken in doses sufficiently large to arrest the paroxysm and help the person to breathe more freely. * * * 'This medicine has been found helpful in Catarrhal Conditions and * * * It cuts the phlegm and helps to clear the Bronchial tubes.' Use Hermance's Asthma & Hay Fever Medicine as directed, otherwise the good effects of a good medicine may be lost."

On June 27, 1930, Claude A. Bell, Lowell, Mass., entered an appearance and filed a claim and answer to the libel, and subsequently filed an amended answer nunc pro tunc as of June 28, 1930. The answer as amended admitted the interstate shipment of the product, that the article was labeled as alleged but denied expressly that the article was misbranded in violation of the law.

The claimant having moved that the issues be tried to a jury the case came on for trial on May 16, 1932. Evidence, expert and lay, was introduced by the Government and claimant at considerable length and the case was thoroughly argued by counsel, the case being submitted to the jury on June 19, 1932, with the following charge (Knox, D. J.) :

"Years ago, when I was a good deal younger than I am now, newspapers, as I recall them, sometimes carried advertisements of various patent medicines, setting forth lists of symptoms of this, that or the other disease, and stating that the particular medicine advertised would cure all of them. As I say, I occasionally read these advertisements and imagined that I had all the diseases there listed, or symptoms of them.

"The world, as time went on, came to know that many of the patent medicine advertisements and representations concerning the therapeutic or curative effects of medicine were fraudulent. It came to understand that many of the medicines were mere nostrums that were put upon the market to deceive the gullible, and to separate such persons from their money, and to place it in the pocket of the producer or manufacturer of the so-called medicine. I think all of us are quite old enough to remember those days.

"The Constitution of the United States gave the Congress of the country power to regulate interstate commerce. The patent and proprietary medicine evil became so great that, acting under the power to regulate interstate commerce, the Congress said that medicines and drugs which are misbranded shall not pass across State lines, and that, if they be so passed, certain steps might be taken by the Government to put an end to drugs and medicines which are falsely represented as being capable of curing or alleviating disease. That legislation has come to be known as the food and drugs act, and it is under that act and some of its sections, that this case comes into this court for determination.

"None can deny that that act has been extremely beneficial. The ordinary channels of trade, so far as they cross State lines, have been closed to misbranded articles, and all of us, I take it, are the beneficiaries of that act. So you should start your consideration of this case, I think, with no prejudice against the food and drugs act.

"At the same time, Congress, by allowing a jury trial in cases of this character, had in mind the feeling, I take it, of the great mass of the country that its membership would practice, to some extent at any rate, self-medication, in an endeavor to alleviate and cure some of the ailments and diseases to which all of us are subject. It was recognized that we have had various medicines and various treatments handed down to us from one generation to another, and that the privilege of self-medication should not be taken away from the public. All of us, I take it, at times in our lives, have doctored ourselves, and it may have been wise or unwise to do it. All of us, I take it, have assumed from time to time to give advice to members of our family, or to our friends, as to what they should do in certain instances, and in most such instances where we, as laymen, attempt to treat ourselves or to treat members of our families or our friends, we ordinarily use what are known as homely and common remedies or medicines.

"In the country, where I was born and raised, we made medicines ourselves. Some old woman, perhaps, would gather the herbs and barks from the various fields, and make up a concoction which she and perhaps some of her neighbors thought was good for certain types of disease. She made salve and what-not. So Congress, having that in mind, said that, in cases such as this, 12 men should pass upon the character of the representations that are made concerning the curative or therapeutic qualities of drugs and medicines which cross State lines before condemnation should rest upon a particular product. That is why you are in the box. In this case, the Government as it had a right to do, believing, and, undoubtedly sincerely, that this medicine of Mr. Bell was false and fraudulent in character, resorted to the provisions of what is known as the Sherley amendment of the food and drugs act, which is in these terms: 'For the purposes of this act, an article shall be deemed to be misbranded, in the case of drugs, if its package or label shall bear or contain any statement, design,

or device regarding the curative and therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent.'

"Relying upon that provision of law, the United States filed a libel against this shipment of this medicine, and seized it, and charged that the representations appearing upon the circular contained in the carton, and which accompanies the bottle of medicine, are false and fraudulent. The task that devolves upon you will be to say whether, under the evidence in this case, these representations are false and fraudulent. The Government charges substantially all of the printed matter contained upon the circular, and upon the bottle, and upon the carton, to be untruthful in that this medicine is not of curative or therapeutic value in the treatment of asthma or hay fever.

"The claimant, Mr. Bell, came along and said, when he got notice of this seizure, 'This is my product. I deny that what I have said as to the curative and therapeutic qualities of this medicine is false and fraudulent.' So the issue between the two parties is joined: one claiming that the statute is violated, the other claiming that it is not. In order to enable you to decide which of the contending parties is right, you have heard this evidence for the past four days; and, on the defense, Mr. Bell introduces proof from which he asks you to say that his representations were founded on facts, and that he acted in good faith in making them, even though you should, as a matter of scientific inquiry, reach the conclusion that they are false.

"The Government charges, and has sought to establish by its proof, not only that the statements are false, but that they were made by Mr. Bell with an intent to deceive the public.

"With that outline of what the issue is, as a preliminary, it is necessary to go a step farther and to speak of what constitutes a therapeutic quality and what constitutes a curative quality; but before I do that, and in order to allow you fairly and properly to consider the case, I desire to make some general observations upon various matters that you should take into consideration.

"This is a civil case. The burden of proving its allegations rests upon the Government, and the extent of its burden is that it shall prove, by a fair preponderance of the credible evidence in the case, that its allegations, as contained in the libel, are correct, and that the representations of Mr. Bell are not only false but that they are fraudulent as well.

"The Government does not have to prove the case beyond a reasonable doubt, as in a criminal trial, but it does have to produce evidence which, when it is placed in the scale, or the pan of the scale, which represents the Government's side of the case, will outweigh the evidence which is to be placed in the pan of the scale which represents Mr. Bell's side of the case; and a preponderance of evidence is made out if the weight of the Government's case is such as to make its pan of the scale descend below that of Mr. Bell by even a hair's breadth. If it should be that you think the evidence is evenly balanced, upon the contentions that are here made by the parties, then the Government can not win, and a verdict should be returned for the claimant; or if, perchance, you conclude that Mr. Bell's testimony—speaking of the witnesses who have been brought here to justify his side of the case—outweighs the Government's evidence, then, of course, the Government can not have a fair preponderance of the evidence, and Mr. Bell is entitled to win.

"We have had an interesting lot of testimony, both upon behalf of the Government and upon behalf of Mr. Bell, and you are the judges of the weight to be given the testimony of each and every witness who has testified. You are to say whether they were telling the truth, whether they were competent to speak of the matters concerning which they gave testimony, whether they were ignorant and themselves gullible, or whether what they said was accurate and trustworthy.

"If you feel and conclude that any witness in the case falsely testified as to any material matter, you may, if you desire, throw aside the entire testimony of any such witness as being unworthy of belief, or you may give credence to such part of any testimony of any witness, whom you believe to have testified falsely, as you think is true, and cast aside that which you think is false.

"You can apply your own tests in passing upon the testimony of the several witnesses, and reach such a conclusion in connection therewith as you think all the facts and circumstances warrant you in doing.

"It is needless to tell you, I think—but I shall do so—that this is a case which is entitled to careful attention both from the standpoint of the Government and the claimant.

"If this medicine be a mere nostrum, it can do no good to those who, it is hoped, will provide a market for it. The Government, in seeking to protect the public from such products, is entitled to prevail if what has been said about this medicine is, as a matter of fact, false and fraudulent. On the other hand, Mr. Bell, if he has not offended against the statute in putting out this medicine, and if his representations are not false and fraudulent, is entitled under the law to continue to send this medicine across State lines and supply whatever market there is for it. Do not decide the case upon the mere assumption that here is a dozen bottles of a cheap medicine, to sell for the sum of not more than \$12, perhaps, but consider where the right is under the law, as I have so far spoken of it, and as I shall endeavor, in the next few minutes, to speak of it.

"When a man puts medicine into the market and asserts that it has certain qualities, the public has a right to expect that he shall know something about it, and that he shall not make any false statements concerning its qualities, and also that he will not make reckless statements concerning its qualities.

"I may have no intention in the world—certainly I have none now—to kill anybody who may be walking down Broadway. Ordinarily a person has an intent when he shoots a particular person; but if I were to shoot a gun out of this window over towards Broadway, and someone there were to be killed by it, the law would infer me to have had an intent to kill that person, because, as a reasonably intelligent man, I did a thing which might be calculated to kill someone out there on the street. So, if a man willfully and recklessly makes statements without knowing anything about their truth, and those statements are not justified by actualities, he may be charged with intent to deceive those to whom the statements are made.

"If Mr. Bell made statements that this medicine would cure chilblains and ague and scarlet fever, and diseases of that nature—take an extreme case—obviously, from the testimony that has been here adduced, his claims would be false and fraudulent. He is charged, as an intelligent person who is asking people to accept his representations, with some knowledge of the disease which he undertakes to provide for, and with the effects of the constituents of the medicine which he offers to the public for the treatment of that disease. So, when you come to hold him to his responsibility, or lack of it, you may take that into account, and, after taking it into account, consider what he has said and then decide, first, if he has made any false statements in these papers which accompany this medicine. If he has made no false statement and everything is the truth, and you are unable to conclude that he has said anything that does not represent the facts, that is the end of the case, and you should come back with a verdict for the claimant.

"If you decide that he has made a false statement; that the picture is painted too rosily, and that what he has suggested, if not definitely represented, that this medicine will do, is not justified by the facts as you have heard them, you may conclude that he has made a false statement. But that will not be enough to warrant you in bringing in a verdict for the Government. It will be necessary for you to go farther and consider whether, in making a false statement, there was an intent to deceive. Then, if you find that he has made a false statement, and that he made it for the purpose of mulcting people of their money, and that he made it in order to sell this medicine, where otherwise he would not have been able to sell it, by practicing a deception upon those who read what he had said, and you find that by a fair preponderance of evidence, then the Government is entitled to a verdict and you should return a verdict in its favor.

"The language upon the carton, and the bottle and the circular, is simple, and you are entitled to construe that language as you believe it would be construed by a person who wanted some relief from asthma, and saw this bottle, and the circular, and this carton with its representations. What is the natural construction to be placed upon this language? It is conceded here that there is no out-and-out claim that this medicine will cure asthma. The contention of the defense by Mr. Johnson on behalf of Mr. Bell, is that it is helpful, and it will tend to alleviate some of the attendant physical conditions that accompany asthma and bronchitis. Now does the language in the aggregate, constitute a representation that the medicine will cure asthma and hay fever? Does the language used falsely represent any therapeutic value that the medicine may have, and were the representations, if they falsely represent

the real qualities of this medicine, fraudulent, as having been made with intent to deceive? That is the basic question which you shall determine.

"Now we get down to a feature of the case which is not quite so simple, perhaps, and that is as to the testimony of the experts and the testimony of the claimant's witnesses, as to what constitutes asthma.

"We have heard from the pharmacist, or the analyst from the department in Washington, his version as to what the contents of this medicine are—and the man who gave the testimony has no reason to be ashamed of it. He made his analysis and it seems to me, from the developments in the case, his analysis was pretty accurate. He found a quantity of water, got some lobelia, some potassium iodide, some licorice, some alcohol—I guess that is about all, with the exception of this much-discussed rosinweed.

"The Government's witnesses could not tell us much about rosinweed. Certainly the claimant's witnesses told us nothing about it, or what its curative effects may be. Juror No. 5 contributed the most information we have as to the characteristics of rosinweed. This morning one of the scientists from the department said that when tincture of rosinweed was injected into the veins of a cat it did not increase its blood pressure; thus tending, I take it, to prove that the substance was inert.

"We have heard a good deal as to the therapeutic effect of potassium iodide and lobelia. The licorice seems to have been forgotten, save as it may tend, perhaps, to make the concoction palatable, or halfway so, if you like licorice.

"Alcohol is one of the constituents of most medicines that we get, or a great many of them. I suppose it tends to preserve, perhaps, some of the ingredients that may be in the medicine—I do not know, but it is there—not enough of it to cause intoxication, I suppose, in small doses, at any rate; but it is there; and so far as asthma goes, standing alone, there has been no testimony that alcohol would have much effect upon the treatment for that ailment.

"Potassium iodide, it is admitted by the very learned experts who testified on behalf of the Government, will tend to liquefy the heavy mucus that sometimes characterizes the bronchial tubes, both in asthma I suppose, or certainly in bronchitis, and in that sense this ingredient may be of aid in allowing a patient, who has experienced difficulty in breathing, to raise and expectorate this mucus, and thus allow the bronchial tubes to function, and to have air pass through them.

"Lobelia, it seems, from the medical testimony, has from time to time been used by the medical profession in treating or prescribing for those suffering from asthma. I do not recall specifically what it was said that lobelia would do but, as I do remember, it has some therapeutic value in treating some of the ailments which manifest themselves by clogging up of the bronchial tubes, and which make it difficult for one to breathe.

"It seems also to be a part of the medical testimony that certain types of heart disease will produce a pressure on the bronchus that will occasion shortness of breath in the individual who thus suffers. I take it that all of us will probably conclude that a condition of this kind is not real asthma. Some of us have irritation of the bronchial tubes which occasions mucus to be produced, and sometimes the tubes clog up, and it is difficult to remove the mucus. So when we begin to discuss this feature of the case, we get into a good deal of confusion of thought, particularly upon the part of the layman, and possibly upon the part of some physicians, as to the classification of ailments and diseases into which asthma should be placed and you must have that in mind in considering this case, and as bearing upon the truth or falsity of the representations that were made.

"Medicine advances as the years go by, and we owe much to the medical profession. Certainly it has done enough for me that I take off my hat to it most of the time. I have great respect for it. I was much impressed by the learning of the two expert witnesses who were called here yesterday or the day before, and who testified concerning asthma. But we must also understand, as these gentlemen admit, that medicine is far from being an exact science. The views of the medical profession change from time to time, and it has come, apparently, to give rather a narrow definition to asthma, particularly, the allergic type of asthma, as being that condition which grows out of the action upon the human system of certain proteins, which will bring about a congestion of the bronchial tubes, and produce shortness of breath.

"I think I speak a truism when I say the public does not ordinarily keep fully abreast of the advances of medical science. It is very natural that it

should not do so, because we lack the opportunity and inclination to do so. We follow along like a wagon behind a tractor. So, must of us, perhaps, as members of the public, will have a wider impression of what constitutes asthma than will the skilled scientist. We speak in looser terms, more generic terms; and, in considering these representations of Mr. Bell, you should bear that in mind.

"Some of the witnesses yesterday who were called by the claimant said they were suffering from bronchial asthma congestion, perhaps an irritation of the bronchial tubes which may have been occasioned by some other cause than that of proteins. They said they got relief, were able to raise mucus, and felt better after taking this medicine.

"When you come to reach a decision as to what asthma is, it is only right and proper that you should consider not only what the physicians said in connection therewith, but as to what the public believes asthma to be, because those who get relief from this medicine, if they do, take it for the condition which they describe or which they think is asthma, although it may not be true asthma within the definition of these physicians.

"Was there an intent to deceive? Has this medicine any therapeutic effect which would justify these representations, or were they false and fraudulent?

"'Curative' is itself not easy to define. Funk & Wagnalls Dictionary defines it as an agency possessing power or the tendency to cure. 'Therapeutic' is defined as an agency having healing qualities, as an alleviator of a diseased condition.

"When one suffers from a disease and has physical distress as a result of it, one of the things, naturally and humanly, that that person wants to accomplish is to relieve his physical distress and, if there is something which will enable the distress to be relieved, and if it does so without harming him, and brings about a beneficial and therapeutic effect, that person is entitled to the relief he may thus obtain. He is also entitled not to be deceived as to the quality of some agency which he would like to use to relieve him of his physical distress. I may go over to a druggist, if I have a cavity of the tooth or an exposure of the nerve, which occasions pain. I will tell the drug store man, 'I have a toothache,' or perhaps I have some remedy in mind, and I ask him if [he] has it in stock. If so, I will purchase it and put it in my tooth. Perhaps it will deaden the pain so as to enable me to get to a dentist, and have the toothache cured by removing its cause. If the remedy does that and gives me a bit of ease, and it does not injure me otherwise and destroy the gums in my mouth, or the structure of the tooth, it is a therapeutic agent, and I am entitled to use it.

"This brings me to another feature of this case. It is said that potassium iodide, in some cases of tuberculosis, may break down the inclosing structure of tubercular sections of one's lungs and enable a latent case of tuberculosis to become active. Is that true? Is the quantity of potassium iodide that one is likely to get in treating himself with this medicine of sufficient size and power to make that a real risk? If it is a real risk, has the claimant fraudulently put this destructive agent on the market without notifying people of the danger that may follow from its use? What I mean to say is that if potassium iodide is a dangerous element and agency, then this medicine is not, without more than appears upon this carton and advertising matter, may not be benign and helpful product for the use of those who may be suffering not only from latent tuberculosis, but also from asthma and hay fever. In that respect, a statement that this concoction is an appropriate medicine for asthma, hay fever, catarrhal conditions, and head colds, may be said to be false. If it is false in that respect, was the false statement made by Mr. Bell with an intent to deceive? We have here also 'catarrhal conditions and head colds.' Is there anything beneficial in this medicine and of therapeutic value for the treatment of those ailments?

"It will be necessary, as I have indicated several times, for you to consider the falsity or the alleged falsity of the statements. If you find there are false statements, or even one, then you should go farther and consider whether there was an intent to deceive. If Mr. Bell acted in good faith, if he had a desire to be of service to his fellow man, and honestly believing these statements, made them, then, even though the statements are false, the Government should not prevail.

"As bearing upon his good faith, you may take into consideration what he has heard from his father and mother about this medicine, about its reputation, if

it has any. He has a right to his ideas as they may be formed from what the users of the medicine have said to him. He says that his wife takes it, and if she does, and he knows it, that is entitled to be considered by you as bearing upon his own good faith in the matter.

"When you have given thought to all of these questions, it will be your duty to find a verdict which shall be fair to Mr. Bell and to the Government. He has a right to express his honest opinion. His opinion may be erroneous; it may even be false; but if he honestly and sincerely entertains his opinion, even though based upon insufficient evidence, he has a right to express it, just the same as you and I and all of us, about important matters from time to time, form our judgment upon what we see, upon our personal experiences and upon what people tell us; and it is no different with him in connection with this medicine.

"A person can tell half-truths; what he says may be true in every syllable but his statement, nevertheless will convey a false impression. If he does this, deliberately tells half-truths, which, even though literally true, are false, in that they engender wrong inferences, he may be charged with falsity in that respect. A person making or dealing in substances, alleging them to have therapeutic or curative value, should be in a position to have superior knowledge of what he has said. Otherwise, his statements may be considered to have been recklessly and inconsiderately made. You may consider whether he has done all that a reasonably prudent man, desiring to act in good faith, would have done in the way of acquainting himself with the effect of this medicine—his education, his training, all those are matters to be considered.

"I think I have charged you, in substance, that if you find from the evidence that this preparation is dangerous to entrust in the hands of a layman, without medical supervision, and if the label bears no adequate statements as to such danger, then you may find that the statements as to the therapeutic value of the medicine are false. But even if you find that, you should go farther and consider whether they were made with an intent to deceive.

"I think I have substantially covered the various requests to charge that have been made by the parties, although I have not done so in the language of the requests."

JUROR No. 5. Would you kindly state, sir, in what form you would wish the verdict announced?

THE COURT. Either in favor of the Government or in favor of the claimant.

JUROR No. 5. Suppose, on the other hand, there are certain qualifications. Do you wish them—as, for instance, you announced that we must consider whether the statement is true; but suppose we conclude that it is not true but that, as far as we know, he thought it was true, I am taking a supposititious case.

THE COURT. Well, then, if you find that any particular statement is false, you may state separately what statement or statements you believe to be false; but if you do not find that a statement was made fraudulently, that is with intent to deceive, your verdict nevertheless should be for the claimant.

JUROR No. 5. Then it is proper, if we so see fit, to announce a verdict in favor of either one of the parties, but make certain additional statements?

THE COURT. You may make a statement, you may make a special finding, if you desire to, upon any particular part of the matter which is false. Is there anything else?

MR. JOHNSON. Will your honor look at requests 8, 9, and 10 of mine, and see if you think you have given them fully?

THE COURT. I think I have covered them substantially.

MR. JOHNSON. I am inclined to think you have.

THE COURT. Any special requests that you have, Mr. De Koven?

MR. DE KOVEN. I was considering whether No. 8 of our requests to charge was covered.

THE COURT. I think I have covered that. All right, gentlemen, you may take this [indicating Government's exhibit 1] with you, if you want to.

The following verdict was returned by the jury: "We find for the claimant. We recommend that the claimant insert in his literature a warning against its use by persons having tubercular tendencies." The Government's motion to set aside the verdict and for a new trial was denied.

On June 3, 1932, a decree was entered by the court dismissing the libel and ordering the product restored to the claimant.

No appearance was entered in the case instituted in the Eastern District of New York. On March 17, 1932, judgment of condemnation and forfeiture was entered and it was ordered by the court that the 21 bottles of the product seized in the said district be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19477. Misbranding of Urodonal. U. S. v. 34 Packages of Urodonal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27944. I. S. No. 48038. S. No. 5914.)

Examination of a sample of a drug product, known as Urodonal, from the shipment herein described showed that the circular shipped with the article contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess.

On March 24, 1932, the United States attorney for the District of Massachusetts, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 packages of Urodonal, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by George J. Wallau (Inc.), from New York, N. Y., on or about February 24, 1932, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Urodonal by this department showed that the article consisted essentially of methenamine (4 per cent), sodium phosphate (18 per cent), sodium bicarbonate, tartaric acid, citric acid, and a small proportion of sugar.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular accompanying the said article, regarding its curative or therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Arthritis-Rheumatism-Arterio-sclerosis-Obesity-Gout-Gravel-Uricemia-Sciatica. Urodonal dissolves uric acid as hot water dissolves sugar. It cleans the liver and kidneys, purifies the blood and all the tissues, softens the arteries and reduces obesity by oxydising the fats. It cleanses the kidneys by removing uric acid crystals, and all the poisonous substances and impurities which kill the renal-tissue. Uric acid, a chemical deposit of nitrogenized substances, constitutes a most formidable poison for the organism. Arthritis, Gout, Rheumatism, Gravel, Eczema, Asthma, Sciatica, Headaches and Neuralgia—such are the principal diseases produced or maintained by an excess of uric acid in the blood. Urodonal eliminates this acid. It is a curative agent as reliable as it is prompt in its action. It presents no danger, even when taken in large doses, and may be continued for any length of time without incurring intolerance * * * Urodonal is the most active remedy against acute and chronic Rheumatism, or in the articular, muscular, or visceral forms. It dissolves the obstructions and the articular nodosities of those suffering from Rheumatism and Gout and is the best preventive against complications of Diabetes, Albuminuria, Weakness of the Kidneys, and Uremia. Persons who are threatened with stones in the bladder—those whose urine is thick, sandy or fetid—those who suffer from renal impermeability (various forms of Nephritis, Bright's disease) should undergo the Urodonal treatment. One Is Old As One's Arteries—Urodonal keeps the arteries young and reduces the incrustations. It eliminates the chalk salts which coat the arterial walls, thus preventing arterio-sclerosis. * * * Urodonal should be recommended and given to children, whose parents are arthritic, diabetic, corpulent or hypersthenic, as a preventive measure. Directions For Use * * * Urodonal should be taken for, at least, ten consecutive days each month. Its continued use is absolutely harmless. Arthritic subjects should take it regularly. It is recommended to everyone—whether arthritic or not—to take regularly a teaspoonful of Urodonal in a glassful of water at night before retiring, for cleansing the kidneys during sleep. * * * Acute stages: Dose: three tablespoonfuls per day, during the whole duration of the illness. Children: One teaspoonful daily. To be taken regularly in case of hereditary arthritis. Acute stages: Two teaspoonfuls daily. * * * Urodonal Is Absolutely Harmless. [Similar statements are made in foreign languages.]"

On April 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19478. Misbranding of Admirine. U. S. v. 36 Dozen Bottles of Admirine. Default decree of destruction entered. (F. & D. No. 27315. I. S. No. 47081. S. No. 5439.)

Examination of a drug product, known as Admirine, showed that the article was recommended as a treatment for certain ailments for which cinchona derivatives are customarily prescribed and that cinchona derivatives were not present in the article in sufficient amount to constitute an adequate treatment for such ailments, when used according to the dosage recommended under the heading on the bottle label, "To Stop Chills and Fever." The labeling of the article contained further unwarranted curative and therapeutic claims.

On December 1, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 dozen bottles of the said Admirine, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by J. A. Kincheloe, from Oklahoma City, Okla., on or about February 27, 1931, and had been transported from the State of Oklahoma into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Admirine by this department showed that the article consisted essentially of the hydrochlorides of cinchona alkaloids (quinidine and cinchonidine, 1.37 grams per 100 milliliters), ferric chloride (0.4 gram per 100 milliliters), extract of a laxative plant drug, a trace of eucalyptus oil, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "The 'Body Builder' * * * Blood Medicine * * * The Body Builder Is recommended to * * * stimulate the Liver and Kidneys to action. * * * Purifies the blood, destroys Malaria, stops Chills and Fever quickly and restores vitality to the weakened body. * * * The 'Body Builder' * * * Blood Medicine For Tired Feeling, Sluggish Liver, Enlarged Spleen * * * Dizziness * * * Belching of gas, Sour Stomach, Weakness, Tired, Lazy Feeling, * * * Indigestion, Foul Breath, Coated Tongue, Liver Spots, Nervousness, Sallow Skin, Melancholia, Pimples, Chronic Chills or Ordinary Chills, Periodical Fevers and the different forms of Blood troubles that are caused by Malaria poisoning. It is an exceptionally good tonic for females in cases that are peculiar to their sex. * * * Digestant * * * Nerve Tonic The Body Builder;" (bottle) "'The Body Builder' * * * As a tonic for the blood and general System. * * * To stop Chills and Fever * * * a Blood Medicine and Restorative Tonic."

On May 17, 1932, no claimant having appeared for the property, a decree was entered by the court adjudging that the product should be condemned, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19479. Misbranding of Hammer's kidney and bladder pills. U. S. v. 60 Boxes of Hammer's Kidney and Bladder Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27964. I. S. No. 52729. S. No. 6006.)

Examination of a drug product, known as Hammer's kidney and bladder pills, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing certain curative or therapeutic effects claimed for it in the label and circular accompanying the article.

On March 31, 1932, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 60 boxes of Hammer's kidney and bladder pills,

remaining in their original unbroken packages at Des Moines, Iowa, alleging that the article had been shipped by the Hygenol Co., Minneapolis, Minn., on or about February 16, 1932, and had been transported from the State of Minnesota into the State of Iowa, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Hammer's kidney and bladder pills by this department showed that the pills contained in each: Potassium nitrate (60 milligrams), extracts of plant drugs including licorice and a laxative drug, and juniper oil.

It was alleged in the libel that the article was misbranded in that certain statements appearing upon and within the packages, regarding the curative and therapeutic effects of said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. The following statements appearing on the boxes containing the article and in the accompanying circular were set out in an exhibit attached to the libel and made a part thereof: (Label) "Kidney and Bladder * * * For all diseases caused by disorders of the kidney and bladder. For Weak, Inflamed or Congested Kidneys and Inflammation of the Bladder; Scalding, Scanty and Highly Colored Urine; Too Frequent Desire to Urinate; and Backache Caused by Kidney Disorders. * * * Kidney and Bladder disorders, and aids in restoring these organs and the Urinary tract to a normal, healthy condition, and assists nature in making them function properly;" (circular) "Kidney and Bladder * * * For all diseases caused by disorders of the Kidney and Bladder * * * Process of Excretion. The vital functions of the body are carried on mainly by two great processes known as nutrition and excretion. Nutrition renews and builds up; excretion clears away and purifies. The blood is the medium through which these processes are carried on. This vital fluid permeates every part of the body, distributing nutritive material and gathering up or absorbing the waste materials resulting from the transformation or changing of the tissues. Every thought, every act, every movement of the body destroys some tissue and this waste tissue or refuse, is constantly being taken up and absorbed by the blood and accumulates in every part of the circulatory system. Therefore, if the blood is to be kept pure, which is a prime essential to health, these waste materials incessantly pouring into this fluid, must be as continuously removed or excreted. Organs of Excretion. Several organs of the body are especially designed to remove these waste products out of the blood. These organs are the kidneys, the lungs, the skin, the intestines and the liver. All of these organs, however, except the kidneys, have also other duties to perform. The kidneys alone seem to accomplish no other work than to separate the waste materials from the blood and is carried off by the urine. Consequently they are called upon to perform the greater part of this work. The Kidneys. The excretion of the kidneys, termed the urine, consists of urea and uric acid, together with various other animal matters and saline substances held in solution in a proportionately large amount of water. On an average, a healthy person secretes about three pints of urine in twenty-four hours. When the kidneys, from any cause, fail to function properly, the waste materials which should be expelled from the body, are allowed to accumulate in the blood and the whole system gradually becomes clogged and contaminated with their poisonous secretions. These poisonous secretions and waste matter, which are retained in the blood, come in contact with all parts of the body and to a great extent, interfere with and hamper the normal functioning or working of each and every one of the vital organs. Symptoms. The heart becomes irregular in its action, shortness of breath may effect the lungs, inflammation and dimness of sight, may affect the eyes. Pimples, boils, and other eruptions may appear in the skin showing the presence of effete matter in the blood seeking an escape. The urine may become cloudy in appearance, stringy in consistency, offensive in smell, too great or too little in flow, or scalding in passage. The nervous system may be affected with lack of ambition or 'pep,' mental depression, nervousness, sleeplessness, and, in general, the vitality of the whole system is lowered and impaired by the absorption into the system of these virulent poisons. Not only are the vital organs seriously affected but these poisons are absolutely certain to be deposited by the blood in the joints, muscles, and tissues of the body causing rheumatism, lumbago, weak back, puffiness under the eyes, pimples and numerous other ailments, the real cause of which may be traced directly to the improper functioning of the kidneys. The Bladder and Symptoms. The bladder is a sac or reservoir in which the urine is collected and stored until a convenient

time for expulsion. In an adult it holds $\frac{1}{2}$ pt. to 1 pt. and there should be no urgent need to urinate until the lesser amount has accumulated. The passing of the urine should never be painful nor at frequent intervals. The flow should be easy and prompt and with a little force. When one has apparently finished the act of urination, there should be no further oozing or dribbling of the urine, wetting the clothing. The most common symptoms of bladder disorders are Chills, Fever, Loss of Appetite, Sleeplessness, Frequent Urination, Strong Smelling, Cloudy or Highly Colored Urine, Burning Sensation along Urinary Passages and a Dull Pain over lower part of body. Natures Way. Symptoms are only forerunners of more serious diseases. Every ache and every pain that assail the human body is intended by nature to be a warning. When any of these warning symptoms of kidney disease become evident, common sense tells us to remove the dangers that threaten us by prompt and speedy recourse to a simple and competent remedy. Our Kidney & Bladder Remedy. After carefully studying all kidney disorders and methods of treatment our kidney and bladder pills were perfected. They contain pure, reliable drugs and herbs which have been thoroughly tested in the world's best laboratories by the most renowned kidney specialists. The ingredients are combined in such proportions as to secure the best therapeutic effect in relieving congestion of the kidneys and in equalizing and regulating the flow of urine; they change certain morbid actions of the system, and establish a healthy condition instead. They stimulate the vital processes to renewed activity and arouse the excretory organs to remove poisonous matter which ought to be eliminated. They facilitate the action of the secretory glands, tone them up and give new impulse to their operations so that they can more thoroughly rid the system of worn-out and effete materials. In this way they alter, correct and purify the fluids, tone up the organs and reestablish their healthy functions. * * * Continue taking these pills at regular intervals until the symptoms disappear and you are sure that the kidneys and bladder are restored to a healthy condition."

On May 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19480. Misbranding of Tuttle's Family elixir. U. S. v. Tuttle's Elixir Co. Plea of guilty. Fine, \$100. (F. & D. No. 27422. I. S. Nos. 20434, 28464, 28465, 29124.)

This action was based on the interstate shipment of several lots of a drug product known as Tuttle's Family elixir. Examination of the article disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the statements appearing on the bottle label and carton and in an accompanying circular.

On April 14, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Tuttle's Elixir Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act as amended, of quantities of Tuttle's Family elixir that was misbranded. The information charged various shipments of the product as follows: On or about January 22, February 13, and March 9, 1931, from the State of Massachusetts into the State of Maine, and on or about February 9 and April 6, 1931, from the State of Massachusetts into the State of New York.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils including camphor and a coniferous oil, ammonia, ox gall, alcohol, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the bottle label and carton and in an accompanying circular, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for lameness and joint affections, cholera morbus, diarrhoea, neuralgia, toothache, sick headache, ordinary headache, earache, croup, caked breasts, lame back, asthma, pain in the side, corns, bunions, chilblains, gout, contracted cords, sore throat, rheumatism, inflammatory rheumatism, colic, and indigestion; and effective as an instant relief and speedy cure for poisoning from gypsy and brown-tail moths; and effective as a relief for pain, whereas the article contained no ingredients or medicinal

agents effective as a treatment, remedy, and cure for lameness and joint affections, cholera morbus, diarrhoea, neuralgia, toothache, sick headache, ordinary headache, earache, croup, caked breasts, lame back, asthma, pain in the side, corns, bunions, chilblains, gout, contracted cords, sore throat, rheumatism, inflammatory rheumatism, colic, and indigestion; or effective as an instant relief and speedy cure for poisoning from gypsy and brown-tail moths; or effective as a relief for pain.

On June 6, 1932, a plea of not guilty, which had been formerly entered, having been retracted, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19481. Misbranding of Rico rheumatism remedy and Rico tablets. U. S. v. 24 Bottles of Rico Rheumatism Remedy, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27907, 27908. I. S. Nos. 52818, 52819. S. No. 5926.)

The Rico rheumatism remedy involved in this action was labeled as containing no mineral substance and as being harmless. Examination showed that it contained a mineral drug which might be harmful. The Rico tablets were represented to contain no salicylic acid, or anything else injurious, whereas they contained a salt of salicylic acid and other ingredients which might be injurious. The labels of both articles bore unwarranted curative and therapeutic claims.

On March 14, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 24 bottles of the said Rico rheumatism remedy and 11 boxes of the said Rico tablets at Cincinnati, Ohio, consigned by the Rico Medicine Co., Chicago, Ill., alleging that the articles had been shipped from Chicago, Ill., in part on or about September 29, 1931, and in part on or about November 9, 1931, and had been transported from the State of Illinois into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Rico rheumatism remedy by this department showed that it was a liquid composed of potassium iodide (5.6 grams per 100 milliliters), a small proportion of material derived from plants such as celery, alcohol, and water. Analysis of a sample of Rico tablets showed that they contained in each: Ammonium salicylate (62 milligrams), potassium iodide (3 milligrams), an iron compound, and extracts of plant drugs, including a laxative drug, coated and colored.

It was alleged in the libels that the articles were misbranded in that the following statements appearing in the labeling were false and misleading: (Rico rheumatism remedy, carton) "Rico has in it no * * * or anything else injurious, * * * Rico Rheumatism Remedy Contains neither * * * nor Mineral;" (Rico rheumatism remedy, bottle) "Harmless Remedy * * * Serial No. 2810. Guaranteed by J. S. Brizolara, under U. S. Pure Food and Drugs Act;" (Rico tablets, box) "Rico Has in it No Salicylic Acid, * * * or Anything Else Injurious. * * * Rico is Guaranteed under United States Pure Food and Drugs Law by J. S. Brizolara. Serial Number 2810." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Rico rheumatism remedy, bottle) "Relieving Reliable * * * Rheumatism Remedy;" (Rico rheumatism remedy, carton) "Rheumatism Remedy * * * For Rheumatism (Acute, Inflammatory, Muscular) Gout, Sciatica, * * * Uric Acid Solvent Indicated in Gastric, Hepatic, and Renal Disorders. Especially beneficial in Rheumatism and Gout, and all affections of the Uric Acid Diathesis, Sciatica, * * * Articular, Derangements of Liver and Kidneys and Various Symptoms of Rheumatism in all of its forms. * * * Rheumatism Remedy. * * * Rheumatism Remedy;" (Rico tablets, package) "For all Forms of Rheumatism, Blood Poison, Skin Diseases, Kidney and Liver Complaints. Uric Acid Solvent."

On April 29, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19482. Misbranding of Beam rheumatism exterminator. U. S. v. 34 Bottles of Beam Rheumatism Exterminator. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27599. I. S. No. 45266. S. No. 5619.)

Examination of the drug product, Beam rheumatism exterminator, disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the labeling. Therefore the product did not comply with all pure food and drug laws as guaranteed.

On December 31, 1931, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 bottles of the said Beam rheumatism exterminator, remaining in the original packages at Rock Island, Ill., alleging that the article had been shipped by the Beam Medicine Co., from Waterloo, Iowa, on or about October 20, 1931, and had been transported from the State of Iowa into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Beam rheumatism exterminator by this department showed that the article consisted essentially of small proportions of sulphuric acid, sodium chloride, and extracts of plant drugs, including a laxative drug, and 98.3 per cent of water.

It was alleged in the libel that the article was misbranded in that the statement, "Guaranteed to comply with all pure food and drug laws throughout the United States," appearing on the carton and in the circular shipped with the article, was false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the bottle and carton labels and in the accompanying circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Rheumatism Exterminator * * * That destroys Uric Acid which is the cause of the following diseases: Dropsy, Neuritis, Lumbago, Gall Infection, Liver Trouble, Kidney Trouble, Run Down System, Stomach Trouble, Bright's Disease, Sciatic Rheumatism, Muscular Rheumatism, Inflammatory Rheumatism, * * * To overcome Rheumatism of the feet requires a longer time than any other part of the body. As Rheumatism assumes so many different forms, no definite time can be given to eradicate it from the system, but one should note a difference the third or fourth week;" (carton) "Rheumatism Exterminator * * * This medicine was formulated for the special purpose of destroying uric acid, it has proven to master this and even more; for thousands of people have been relieved with this medicine and to-day are rejoicing and telling their friends, encouraging them to use it. Dropsy. Neuritis, Lumbago, Gall Infection, Liver Trouble, Kidney Trouble, Run Down System, Stomach Trouble, Bright's Disease, Sciatic Rheumatism, Muscular Rheumatism, Inflammatory Rheumatism;" (notice entitled "Read The Slip Often") "If the person taking this medicine should experience pain or a gripping or unpleasant feeling in the stomach, it is evident that you have ulcers or catarrh of the stomach. If so, the medicine will destroy them within ten days or two weeks, owing to how long standing. After using the medicine a few days and it begins to work on the uric acid that is secreted in the muscles and joints it makes you feel worse; it is the working of the medicine. Don't be alarmed and if the pain becomes unpleasant cut the doses to one-quarter teaspoonful for a few days, then gradually increase until you get back to one-half teaspoonful. But if you can take the required dose the quicker the results. It is very necessary to keep the bowels in good condition, keep the bowels moving twice a day, also a good physic once a week for three weeks. This is very necessary as it helps to carry off the poison as the medicine destroys it;" (circular) "We Want To Do Good Unto Others, As We Were Done By Good Deeds are More Valuable than Great Riches Our Motto: To Relieve the Suffering I want to take this opportunity to talk to every mother, who is the doctor in every home, for no matter what the trouble is, everyone always looks to mother for help. I have been placed in just the same position, so have you, and it was necessary for me to find the right medicine for my family, which consisted of five children. I lived on a farm north of Waterloo, Black Hawk County, and what I have found by using this medicine—if I could have only had this family remedy then, it would have saved us hundreds of dollars and the suffering that I myself experienced. Later, I became a nurse in Waterloo, Iowa, nursing for nine years and with this experience—together with the rearing of my family, if I could

have had an opportunity of being able to have this medicine in my home, at that time, how thankful I would have been. Having been a sufferer for several years of infection of the gall bladder, also kidney troubles which brought about rheumatism and neuritis until I was nearly helpless, on being advised to change climate and go to the mountains, but did not get the anticipated effect I had hoped for, getting weaker and weaker and the doctors there told me, as they did here, that there was nothing on record that would reach my troubles. This was very discouraging to me. In the midst of my meditations one morning there was a rap at the door. On answering it I found a stranger at the door and he said he was representing the Beam Medicine Co., that he had been sent there by one of my friends to recommend the Medicine to me. He gave an explanation of the Medicine which I was very favorably impressed with. As Mr. Hoover was not home, I invited him to call later, which he did. After making a very plain explanation to both of us, we decided we would give the Medicine a trial, for which we found to our satisfaction, great relief. This certainly gave us great Joy. It touched our hearts with sympathy for suffering humanity. * * * The Beam Medicine has relieved me of suffering of thirty years standing of ulcers of the stomach. Also enlargement of the liver, gall attacks, kidney and bladder troubles which were very painful. These combinations caused gas to accumulate in the stomach and large bowel, forcing a heavy pressure against the heart, causing intense suffering at times. We were so impressed with the value of the Medicine that we looked it up from every angle. The more we searched, the more valuable we found the Medicine. We found so many that had given up all hope of relief that this Medicine has helped, they, too, are ever ready to praise the Medicine to the highest degree. * * * Hundreds of men and women in Waterloo have obtained relief from the discovery of this wonderful formula, that has the healing power to reach so many common troubles and diseases that cause so much pain and suffering all over the Union. This medicine has established itself here in Waterloo, Iowa, by relieving those who were suffering, and they have recommended it to their friends not only in Waterloo but in other cities. * * * High Blood Pressure The Beam Medicine will exterminate uric acid secreted anywhere in the human body. If it has drifted into the blood, causing a high blood pressure, headaches, dizziness, and short endurance, very little exertion causes throbbing and fluttering of the heart. The Beam Exterminator destroys the uric acid crystals that are in the blood, reducing the blood pressure, thus strengthening the heart. A general toning up of the entire digestive system usually follows the use of one or two bottles of this medicine. * * * The working of this medicine is directly opposite, as it clears up the nerves, making them more sensitive to pain, causing the patient sometimes to fall back to taking smaller doses. This is a sure sign the medicine is working well and that you will be pleased with the result. Beam Medicine has the power to dissolve Uric Acid Crystals, which is the cause of 70 to 80 per cent of the troubles that are in the human body. * * * Now, my friend, do you appreciate our efforts to relieve your suffering? If you have tried so many different medicines and failed, don't be discouraged—try once more. * * * A medicine that costs \$2.00 per bottle sounds high-priced—it did to us, but after spending thousands of dollars in 18 years of suffering and getting no relief, after using the Beam Medicine between three and four months, it gave us perfect relief, after the doctor had said there was no medicine on record that would reach our cases. What were these four bottles worth to us? What would it be worth to you? * * * We make the following claims that our Beam Medicine will relieve Dropsy, Neuritis, Lumbago, Gall Infection, Liver Trouble, Stomach Trouble, Ulcers of the Stomach, Bright's Disease, run down system, Sciatic Rheumatism, Muscular Rheumatism, Inflammatory Rheumatism. Also our medicine is clearing up a number of bad cases of Arthritis, high blood pressure and Paralytic troubles. Excess of uric acid is the cause of the above mentioned troubles, as a rule. * * * 'I never expected to allow my name in print to a testimony, but after my mother and myself had tried so many different get-well-quick medicines and no relief, I was so disgusted I thought I would not try any more remedies, but my mother began taking the Beam Medicine of which I made sport of, but when she had taken it a while I did not make any more sport of it, but went to taking it myself, also went to giving it to my children. I had rheumatism, stomach and liver trouble and very nervous for years. Since my last babe was born, now 3 years old, I was a constant sufferer. The doctors failed to relieve me, I could not

rest of nights, had a poor appetite, my children inherited troubles more or less from me. The Beam Medicine is no joke; every drop of it is medicine; it is a wonderful medicine. I have never been so well since I was a girl, have gained in flesh and strength until life is a pleasure. My children feel fine, eat hearty, sleep well and romp all day. I never have seen my mother looking and feeling better than she is now.' * * * Oh, What Relief—The Beam Medicine Is The Medicine Of All Medicine. 'I have a right to make this statement for nobody would know what it has done for me if I did not tell them, and so many others that I know was constant sufferers that had given up all hope of finding any relief as well as myself are praising the Beam Medicine. I suffered great pain and agony for 8 years. I tried so many different Medicines, and Doctors, and Specialists. Also took 150 Chiropractic treatments, was at the mineral springs different times. Mr. Colby and myself were so discouraged after spending hundreds of dollars, and 8 years of suffering, and still no relief. But looking over the Evening Courier I saw the Beam Medicine advertisement, after reading it I was so favorably impressed, I called my husband's attention to it, and he advised me to try the Medicine. I had a complication of troubles, caused by excess of uric acid poisoning my whole system, causing high blood pressure, headaches, and at times dizzy spells, and I would have aches and pains in the cords of my neck that would draw at times almost unbearable, had liver, gall, and kidney trouble, rheumatism, and arthritis. My limbs and feet were swollen so bad I had not been able to wear a pair of shoes for several months. I was in so much pain I could get but little sleep of nights. I finally concluded to try the Medicine and ordered a bottle. Mr. Hoover delivered it, and he told me I had a chronic case of long standing and where the arteries are affected circulation is poor and it would take longer time and more Medicine to reach my case, and that I could not expect perfect relief under 6 or 7 months, and he would not advise me to start on the Medicine, without expecting to stick to it until I would get satisfactory relief; that sometime the working of the medicine would cause me to feel worse, in such case to cut the size of the dose for a day or so, as instructions on each bottle. By so doing I would find great relief, that I certainly would Rejoice, yes,—and I still Rejoice. It took close to 6 bottles to reach all my troubles. I take this not only a pleasure, but a duty to let the suffering people know that they can get relief by using the Beam Medicine, and follow directions, and stick to it.' * * * In ordinary and mild cases, 3 to 4 bottles of Beam Medicine will relieve the suffering. Use Mrs. Colby's motto—Stick To It And You Will Find Relief. We want to call the attention of every one who uses the Beam Medicine that they must not expect immediate relief until the Medicine has destroyed the uric acid crystals which are causing your trouble. Then you will find relief that you will be proud of and you will be ever ready to praise the Beam Medicine. * * * What Is Life Without Health? * * * 'I had liver and kidney trouble and rheumatism for thirteen years, could not get out of a chair without help and had to walk with a cane—after using 3 bottles of Beam Medicine I can take walks and climb steps—do all my own work and enjoy good health again. Also my two daughters were great sufferers of complications of different troubles that did seem that medicine had failed to do them any good. After using the Beam Medicine they found great relief. Words cannot express what it has done for them. It is a wonderful family medicine.' * * * 'I was under the doctor's treatment for four years, constantly growing worse, with uric acid so bad in my system, it causing liver, gall and kidney trouble, also neuritis and tonsilitis and eczema. I could get but little rest of nights and suffered continually. After taking nearly four bottles of Beam Medicine I have received perfect relief. My heart goes out to others who are afflicted and need help. I certainly recommend Beam Medicine. You can't make a mistake by using it.' * * * 'The Beam Medicine will destroy uric acid that has crystallized and secreted in the joints or muscles or any part of the body which is the cause of so many torturing diseases.' * * * 'I was sick for more than three months, and was under the doctor's care all the while and growing worse every day, was in the hospital a while. After returning home I became much worse, suffering with inflammatory rheumatism and liver trouble; in fact I was suffering untold agony all over my body. Being advised by a friend who had used the Beam Medicine, also she spoke of others using it and had good results, for me to try it which I did and found it complete relief. It is with pleasure to me to recommend this

medicine to my suffering friends.' * * * 'My little daughter, Dorothy June, had always been a delicate and sickly child, very peevish and fretful, always under the doctor's care until August, 1923, when the Beam Medicine was recommended to us, of which we purchased and used and are so thankful for it, and she is now a fine and healthy child. As for myself, having been a sufferer for a number of years with bad headaches and complications of troubles, gall and liver, also kidney troubles, rheumatism, I have found perfect relief in using the Beam Medicine and recommend it very highly as a family medicine.' * * * 'There are hundreds of children that need this medicine and would derive great benefit from it. The longer you wait, the more medicine it will take to relieve your suffering. After reading this circular, and it is nothing you need, will you be so kind as to hand it to or send it to some suffering friend? They no doubt will appreciate your kindness; and we also thank you in advance for helping us to relieve the suffering.'

On June 24, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19483. Misbranding of Dr. Carey's Lifetone prescription and Dr. Carey's Marshroot laxative pills. U. S. v. 77 Packages of Dr. Carey's Lifetone Prescription. Default decree of destruction entered. (F. & D. No. 27293. I. S. No. 47083. S. No. 5444.)

Examination of a shipment of a number of packages of a drug product, known as Dr. Carey's Lifetone prescription, each package containing a sample of Dr. Carey's Marshroot laxative pills, showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the statements appearing in the labeling.

On November 25, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 77 packages of Dr. Carey's Lifetone prescription, each package containing a sample package of Dr. Carey's Marshroot laxative pills, remaining in the original unbroken packages at Vicksburg, Miss. It was alleged in the libel that the articles had been shipped in interstate commerce by the Gallagher Drug Co., from Dayton, Ohio, to Vicksburg, Miss., on or about January 22, 1931, and that they were misbranded in violation of the food and drugs act as amended.

Analyses by this department of samples of the articles showed that Dr. Carey's Lifetone prescription consisted of pills containing ferrous carbonate, strychnine, zinc phosphide, and juniper oil; and that the Marshroot laxative pills contained aloe and podophyllum extract.

Misbranding of the articles was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said articles were false and fraudulent: (Lifetone prescription, bottle) "Lifetone;" (carton) "Lifetone * * * indicated in the treatment of General Debility, Weakness, Brain Fag and Weak Nerves * * * after severe illness when the strength and vitality is low * * * Lifetone * * * quickly overcomes physical or mental exhaustion replacing that heavy dull and tired feeling with buoyancy and a desire for action * * * Lifetone * * * assist nature to rebuild the rundown nervous system restoring strength and enriching the blood;" (laxative pills, envelope) "Sufferers from Kidney or Bladder Troubles who are bothered with * * * torpid liver."

On May 17, 1932, no claimant having appeared for the property, a decree was entered adjudging that the product should be condemned, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19484. Adulteration and misbranding of fluidextract ergot. U. S. v. Fourteen 1-Pint Bottles of Fluidextract Ergot, U. S. P. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28240. I. S. No. 48819. S. No. 6112.)

Samples of fluidextract of ergot, taken from the interstate shipment involved in this action, were found to possess a potency of less than one-third that required by the United States Pharmacopoeia for the product. The article was represented to be a pharmacopoeial product, and bore labeled directions for dosage based on its purported potency, and because of its low

potency would not produce the therapeutic effects claimed when administered according to directions.

On April 22, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of fourteen 1-pint bottles of the said fluidextract of ergot, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the American Pharmaceutical Co. (Inc.), New York, N. Y., on or about April 5, 1932, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Fluid Extract Ergot, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot, U. S. P.," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the preparation in the dose stated on the label would not produce the effects claimed: "Action—A powerful stimulant of involuntary muscles especially those of the uterus. An active vaso-constrictor and circulatory stimulant. Uses—Checks postpartum hemorrhage by contracting the uterus. As a routine prophylactic measure against postpartum hemorrhage. For the relief of menorrhagia, metrorrhagia, some forms of dysmenorrhea, and atonic conditions of the reproductive organs. Also as a circulatory stimulant. Dose—Average U. S. P.—30 minims (2 cc.)."

On May 25, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19485. Misbranding of Lillibek's Antiseptic Aseptine. U. S. v. 6 Dozen Bottles, et al., of Lillibek's Antiseptic Aseptine. Default decrees of condemnation and destruction. (F. & D. Nos. 27721, 27722. I. S. Nos. 24373, 24374. S. No. 5784.)

Examination of a drug product, known as Lillibek's Antiseptic Aseptine, from the interstate shipments herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic properties claimed for it in the labeling.

On February 11, 1932, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 63 dozen bottles of Lillibek's Antiseptic Aseptine at Mobile, Ala., alleging that the article had been shipped by McKesson Van Vleet Corporation, in part from Jackson, Miss., on or about August 8, 1931, and in part from Vicksburg, Miss., on or about December 12, 1931 and had been transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. (The records of this department indicate that the shipment from Vicksburg was made by the Vicksburg Chemical Co., on or about December 2, 1931, and the shipment was so reported to the United States attorney.)

Analysis of a sample of Lillibek's Antiseptic Aseptine by this department showed that the article consisted essentially of small proportions of volatile oils including menthol and peppermint oil, traces of tannin and ethyl nitrite, alcohol, and water.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the bottle label and carton were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Recommended for Rheumatism, Neuralgia * * * and Wounds of All Kinds;" (carton) "For Wounds of Every Description on [picture illustrating gunshot wounds] Man or Beast * * * For Rheumatism, Neuralgia of the face * * * Gargle for sore throat * * * all kinds of Wounds."

On May 21, 1932, no claimant having appeared for the property and the product having been condemned on default of claim and answer, judgments were entered ordering that the marshal destroy the article.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19486. Misbranding of Dr. Penor's antiseptic uterine tablets. U. S. v. 26 Packages of Dr. Penor's Antiseptic Uterine Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27772. I. S. No. 50998. S. No. 5848.)

Examination of the labeling and composition of the drug product, Dr. Penor's antiseptic uterine tablets, involved in this action disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it on the labeling.

On February 25, 1932, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 packages of Dr. Penor's antiseptic uterine tablets, remaining in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped by the Dr. G. D. Stoner Co., Lakeland, Fla., on or about October 19, 1931 (a portion was shipped on or about November 27, 1931), and had been transported from the State of Florida into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Penor's antiseptic uterine tablets by this department showed that the article consisted of sodium chloride (99.97 per cent).

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and in a circular shipped with the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Uterine Tablets * * * Dr. Penor's Home Treatment for Female Diseases, such as Leucorrhoea or Whites, Inflammation, Ulceration, Congestion and Falling of the Womb, Cancer in earlier stages and all Unnatural Discharges from the Womb and Vagina;" (circular) "Dr. Penor's Uterine Tablets * * * A simple inexpensive home treatment for Female Diseases to be used by yourself in the privacy of your home. The Modesty of Women Naturally makes them shrink from the indelicate questions, the exposure and embarrassing examination which some physicians consider essential in the treatment of the disease of women. Yet, if help can be had, it is better to submit to this ordeal than let the disease grow and spread. The trouble is that so often the women undergo all the annoyance and shame for nothing. Thousands of women who have been cured by our remedy, write in appreciation of the cure, * * * This medicine is guaranteed to perform its work when used strictly according to directions. * * * a positive tonic * * * a remedy some of the most prevalent forms of diseases affecting the pelvic organs of the female. * * * This is a subject that is worthy of the attention of the highest order of minds, for the perpetuation of the home, the hope of society, and the foundation of civilization itself depends on the health and vigor of the sex. The original mental and physical harmony of women has not been maintained. While she has developed intellectually, expanded socially and advanced morally, she has degenerated physically. The universal presence among the sex of numerous complaints that are commonly known by the general term of 'Female weakness' is a problem that we are sure elicits the attention of all thinking women today. Many a woman starts out in life in perfect health, full of hope and with bright prospects. After a while the freshness of health disappears, the complexion becomes sallow, the eye dimmed, sunken, and encircled with dark rings. Severe headaches follow. There is a sense of weight, fullness and bearing down in the lower part of the abdomen. Pains in the back and across the abdomen. Sometimes there is a great soreness in the region of the ovaries, so that even the pressure of clothing causes pain. Bladder difficulties, constipation, piles and leucorrhoea attend the other difficulties. These symptoms are accompanied by nervous depression, the patient is fearful of some still greater trouble, is despondent and in some cases, inclined to hysteria. There is a constant tired feeling and a disinclination to exercise. These are some of the symptoms of Female Weakness, and although they vary in most every case, sometimes all and sometimes only a part being present, yet they indicate

one condition—some Uterine Trouble. In Submitting This Plain Talk to the ladies, we do so with the confidence that if you will read it all carefully without prejudice and take a common sense view of it, you will be convinced that the theories advanced are reasonable and that the manner of the Uterine Tablet treatment is the proper and correct one. With it any lady can treat herself in the privacy of her own home, without the exposure or embarrassment attending treatment by a physician at less than one-tenth the expense, and a trial will easily convince you of its merits. * * * Womb and Its Diseases. Of all of the human body there is none more important to be kept in a healthy condition than the Womb. With a diseased Womb you soon lose all interest in life, become despondent and low spirited; have a tired, languid feeling and wonder why; crying spells with no apparent cause, and then follow Headache, Backache, Bearing Down Pains, Leucorrhoea (or Whites), Soreness of the Ovaries, Frequent and Scalding Urination, Rectal Irritation, Constipation, producing piles; then follows Congestion and Enlargement of the Womb, Inflammation of the Womb, Ulceration of the Womb, Cancerous Affection of the Womb, Falling of the Womb forward, backward, and downward, produced by undue amount of serum or watery substance in this organ, and this watery substance is a dropsical effusion, causing it to become so engorged and heavy that the ligaments supporting it are no longer able to hold it in place. Now the Womb, in its present inflamed condition, can not throw off this serum, or watery substance, but retains it, adding to its size and weight. The Uterine Tablets Remove this by a thorough process of absorption, that is, by drawing this watery substance away. Every application will reduce the size of the Womb and in time allow it to regain its normal position and condition. The Uterine Tablets will cause no discomfort when applied unless there is acute Ulceration. If you experience any smarting you will know at once what your trouble is, and we would advise the continuance of the treatment, as our treatment is positively the mildest and greatest healing agent in the world, and will overcome the acuteness of the disease in a few days. Acute Ulcers are nothing more or less than inflamed sores, and everyone knows that it is impossible to apply a healing agent to any raw sore without producing a certain degree of discomfort. This smarting is always direct proof that there is Ulceration, hence the more need of the remedy, and the third or fourth treatment will heal them up nicely. In cases of long standing, do not expect one box to cure you, but from four to six boxes have effected cures in the worst cases. At Change of Life. It is a boon to womankind, relieving the organs of all morbid conditions that have been in existence for years. It will prevent so many of the ills that appear at this time, and so strengthen and cleanse the whole organism that long years of perfect health will follow the cessation of the Menses. The Uterine Tablets should be used by every woman during this critical period. Leucorrhoea (Whites or Catarrh of Vagina or Womb). This affection is generally very proserating in its effects, and no woman affected with this disease can retain her health and good looks for any length of time. This constant drain, if not checked, leads to general uterine derangements; Irritability of Mind, Nervousness, Hysteria, Difficult Respiration, Sterility, Consumption. The Uterine Tablets are unexcelled for this disease and we have many testimonials from ladies who say that a single box has permanently cured them after having suffered for years with this distressing disease. Derangements of the Monthly Flow. Suppressed, Painful, Irregular, Profuse or Excessive Menstruation. These are among the most distressing grievances of which woman have to complain. A woman who suffers from them spends one-fourth of her time in misery and another fourth recovering from the result of her suffering. The Uterine Tablets will cure these. It will restore to that normal state in which Menstruation is free from pain. It will regulate Irregular, Profuse and Suppressed Menstruation, and will correct this abnormal condition and the troubles will surely disappear. In Cases of Pregnancy. It may be used with benefit up to the seventh month, thereby relieving the Womb of its inflamed and congested condition, consequently relieving the patient of more than one-half of the suffering at childbirth. After Childbirth. The use of the Tablets can be commenced against the fourth or sixth week after confinement, and it is a valuable remedy for any trouble resulting from carelessness or imprudence during confinement. Laceration or any injury to the mother during childbirth. Nervousness. Produced by a diseased condition of the Womb is generally indicated by the following symptoms, which are more or less prominent in every case: Nervous and

Sick headache, Backache, Irritation of the Stomach, Spinal Irritation, pain between the shoulders, distressing sensation in the back of the head and numbness and coldness of the extremities. Constipation and Piles. The Womb being enlarged, down and out of place, crowds against the rectum (or back passage) causing Constipation and producing Piles. In hundreds of cases this is the sole cause of Constipation and piles, and if allowed to go on, much suffering will ensue. Inflammation of the Bladder. Again, when the womb is down and out of place, it presses against the bladder, causing frequent urination with a burning and scalding sensation; in fact, a diseased Womb is the origin of nearly all the suffering of women. Every application of The Uterine Tablets reduces inflammation and also the size and weight of the Womb, and as the conditions improve it will resume its natural position, all disagreeable symptoms will disappear and good health will follow. Directions—Every night on retiring, place one of the tablets well up in the vagina as far as the index finger will reach, placing it as near the mouth of the womb as possible, where it will slowly dissolve. A warm water injection may be used the next morning in which two of the Tablets have been dissolved in one quart of water. This is not necessary unless there is a profuse discharge from the vagina. As an antiseptic preventative for disease, place one or two of the Tablets well up in the vagina. This will insure complete destruction of any germ present on the surface of the tissues, thus rendering the parts aseptic and safe."

On May 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19487. Misbranding of Weldon. U. S. v. 897 Packages of Weldon. Default decree of destruction entered. (F. & D. No. 27995. I. S. No. 50450. S. No. 6040.)

Examination of a drug product, known as Weldon, disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the labeling.

On April 9, 1932, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 897 packages of the said Weldon, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by the Kells Co., from Newburg, N. Y., on or about March 4, 1932, and had been transported from the State of New York into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Weldon by this department showed that each tablet contained acetylsalicylic acid (0.8 grain), extracts of plant drugs including licorice, calcium carbonate (1.7 grains), magnesium carbonate (0.2 grain), sugar, and starch.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Shipping container) "For Rheumatism;" (carton containing 6 single packages) "For Rheumatism For Rheumatism of the Joints, Sciatica, Lumbago and Rheumatic Neuritis, or Muscular Rheumatism;" (carton, single) "For Rheumatism * * * For Rheumatism of the Joints, Sciatica, Lumbago and Rheumatic Neuritis, or Muscular Rheumatism, Directions: * * * For Severe Cases;" (card circular) "Free book on rheumatism * * * 'The Germs of Rheumatism—How They Live—How They Die.' Also any other information useful to a sufferer from rheumatism. * * * suffering from rheumatism * * * 'Germs of Rheumatism' * * * Rheumatism 3700 B. C. * * * Rheumatism. Muscle Education. * * * Helps Rheumatism. Helpful Hints to Relieve Pain, etc. This book should be in the hands of every sufferer."

On May 17, 1932, no claimant having appeared for the property, judgment was entered finding the product subject to condemnation, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1948S. Misbranding of Munyon's Paw-Paw tonic. U. S. v. 102 Bottles of Munyon's Paw-Paw Tonic. Default decree of destruction entered. (F. & D. No. 27336. I. S. No. 47082. S. No. 5443.)

Examination of a drug product, known as Munyon's Paw-Paw tonic, from the shipment herein described having disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On December 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 102 bottles of the said Munyon's Paw-Paw tonic, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by the McKesson Lincoln Co., from Little Rock, Ark., on or about June 10, 1930, and had been transported from the State of Arkansas into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Paw-Paw tonic by this department showed that the article contained extracts of plant drugs including nux vomica, a minute proportion of an iron compound (17 per cent by volume of alcohol), and water, flavored with methyl salicylate and sassafras oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Indigestion, Nervousness, Loss of Vitality, * * * And for the enrichment of impoverished blood where paleness is a condition, and giving energy to the overworked and run down;" (carton) "For Dyspepsia, Indigestion, Liver and Nerve Troubles, Dizziness, Poor Circulation, Loss of Vitality, Sleeplessness, Nervousness, * * * Weakness, General Debility. * * * Ironizes The Blood For the Liver For The Nerves * * * prepared for toning the stomach, liver and nerves, * * * If you are overworked, weak, run down, * * * feel 'old,' blood is thin, heart weak, can't sleep; if your liver or stomach is out of order; if you are depressed, and feel the need of new life, try Munyon's Paw-Paw Tonic. * * * For Body Strength For The Stomach * * * For Mental Force."

On May 17, 1932, no claimant having appeared for the property, judgment was entered finding the product subject to condemnation, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19489. Misbranding of Re-Ju-Va. U. S. v. 120 Packages of Re-Ju-Va. Default decree of destruction entered. (2552-A. F. & D. No. 28281.)

The labeling of the drug product Re-Ju-Va involved in this action represented that the article might be administered with safety to all, including babies, and that it contained no cathartic, whereas examination showed that it contained a cathartic that might be harmful. Examination further showed no ingredient or combination of ingredients capable of producing the curative and therapeutic claims appearing in the labeling.

On May 5, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 120 packages of Re-Ju-Va, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the DeVore Manufacturing Co., from Columbus, Ohio, on or about March 19, 1932, and had been transported from the State of Ohio into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Re-Ju-Va by this department showed that it consisted essentially of Epsom salt (22.67 grams per 100 milliliters), small proportions of potassium, sodium, and iron compounds including chloride, citrate and hypophosphite, glycerin, and water, flavored with peppermint oil and colored red with a coal-tar dye.

It was alleged in the libel that the article was misbranded in that the statements appearing upon and within the packages containing the article were false, fraudulent, and misleading in that it was made to appear by said state-

ments that the article was a medicine that babies were able to take; that it would not be violent in its action on an adult; that it could be taken with complete confidence and safety; that it contained no cathartic; and in that it was made to appear further that the article was a medicine having curative or therapeutic effects, whereas it contained no ingredient or combination of ingredients capable of producing the effects claimed and the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof.

The statements appearing in the labeling which this department deemed to be false and misleading were as follows: (Circular) "A medicine that babies are able to take, will not be violent in its action on an adult, * * * can be taken with complete confidence and safety, * * * Contains: No * * * cathartic." The statements which this department deemed to be false and fraudulent and which were incorporated in the libel and made a part thereof were as follows: (Bottle label) "Re-Ju-Va Assists Nature to establish a normal process of metabolism and to relieve disorders arising from intestinal putrefaction, including Rheumatism, Arthritis, Neuritis, * * * High-blood Pressure, Stomach, Kidney and Blood Diseases. * * * 'Remove the Cause—Nature Completes the Task.' * * * Directions * * * In case elimination does not begin, in three to four hours, repeat this dose until the bowels function freely. * * * or such an amount as may be necessary to insure proper elimination each morning. * * * For indigestion, acidosis, or gas condition, take one teaspoonful after meals or at time of distress. For sore throat * * * For insomnia take before retiring. * * * no fear need be had of any injurious effects. It is designed to aid Nature by removing the cause for about 90% of all disorders, which is faulty elimination. * * * if patience is used, any individual can take it with good results;" (carton) "Re-Ju-Va * * * designed to assist Nature in the relief of Rheumatism, Sciatica, Neuritis, * * * High-blood Pressure, Indigestion, Bloating * * * Biliousness, Jaundice, Catarrh, Asthma, Acidosis, Kidney, Blood Disorders, Nervous and Run-Down Conditions. * * * Re-Ju-Va * * * to assist Nature in freeing the system of the poisons which arise from the absorption of impurities through the alimentary tract. * * * 'Remove the Cause—Nature Completes the Task;'" (circular) "Re-Ju-Va * * * Bringing New Health and Happiness to Thousands. Re-Ju-Va Assists Nature in Attacking the Cause of 90% of All Human Ailments * * * Learned physicians say that the vast majority of all human ailments can be traced to one cause—the absorption by the blood of deadly poisons formed in the intestines when waste matter, which has not been properly eliminated, decays and putrefies. When the process of metabolism is properly balanced, the digestive and assimilative organs function properly and the secretive glands produce Nature's own laxative fluids which gently wash away the waste materials of the body. Then we are in good health. When metabolism is disturbed—waste materials accumulate in the colon, putrefaction often begins—and deadly poisons form which are absorbed by the blood and carried to various points in the body. These poisons many times are the source of infections which manifest themselves in the form of many diseases called by various names, according to the portion of the body affected. Among these Ailments are Arthritis, Rheumatism, Sciatica, Lumbago, Stomach Disorders, * * * Acidosis, High Blood Pressure, Catarrh, Asthma, Hay Fever, Jaundice, Sinus Infections, Liver Disorders, Indigestion, Dyspepsia, Diabetes and others. Re-Ju-Va the great, modern medical discovery does Not 'dose' symptoms in the old-fashioned manner but gives Nature the proper scientific aid to remove the cause of these diseases by ridding the system of accumulated poisons and by stimulating naturally glands and organs to normal function, thereby restoring a balanced process of metabolism and minimizing the possibility of recurrence of the poisons, thereby aiming at Permanent relief. Whence comes the famous Re-Ju-Va slogan 'Remove the Cause—Nature Completes the Task' * * * Its greatest power lies in the fact that it contains exactly what Nature needs in proper proportion to cleanse and build up the blood to resist the onslaught of disease. Thousands of persons who had suffered over a period of many years, some of whom were helplessly crippled, many of whom had been given up to die, are today healthy and happy, enjoying life to the utmost because

of this remarkable discovery. If you are ill, don't delay another minute. Start taking Re-Ju-Va today. It is within the reach of every purse and the cheapest 'Health Insurance' you can buy. If you are well, retain your good health by a regular dose of this remarkable medicine each day, it will keep you fit and full of pep and vigor. * * * Stomach Disorders Indigestion, Acid Stomach, Gas, Bloating, Dyspepsia, Ulcers Functional derangement of the stomach, due either to quantity or quality of gastric juices, improper eating or a disturbed process of metabolism, is a widely prevalent ailment. Many persons suffer needlessly from Acid Stomach, Gas Condition, Bloating, Dyspepsia, Indigestion, Stomach Ulcers, etc., and deny themselves the pleasure of eating their favorite foods because of their inability to digest them. Re-Ju-Va is the Ideal aid to Nature. It balances the body chemistry and corrects stomach ailments in the modern, scientific way. There are hundreds of testimonials on file from persons who had suffered for years from stomach disorders, who are now strong and healthy, and able to eat what they like, when they like, without discomfort. If you suffer any stomach disorder, don't delay. Rheumatism, Neuritis, Arthritis, Sciatica, Lumbago. These common ills are traceable to intestinal putrefaction, the names of the ailments being taken from the part of the body where the infection occurs. Only by removing the Cause of the infection can permanent relief be effected. The old-fashioned methods of 'dosing' the symptoms have been discarded by modern scientists. Re-Ju-Va has relieved thousands of the most obstinate cases after all other methods had failed. Helpless cripples have been restored to normal health and glorious happiness. Re-Ju-Va has been called a 'Godsend' by many who had given up all hope. * * * Corrected by Attacking the Cause—The Modern Way No ailment causes so much ill health as constipation. When the waste matter of the body is not eliminated properly from the colon, poisonous germs grow in the bowel and autointoxication results. The blood absorbs the poisons from the intestine and carries it to various parts of the body. These toxins cause more than 90 per cent of all sickness and human misery. It is therefore obvious that if we are to enjoy good health and happiness, we must keep ourselves just as clean inside as outside. Many persons are in the habit of 'dynamiting' their bodies with strong purgatives and laxatives, but this is dangerous. Often irreparable damage is done to the delicate membranes. Nature has provided her own gentle laxative fluids and the modern method of treating Constipation is to assist Nature in restoring to function the glands and organs which secrete these fluids. Re-Ju-Va has corrected thousands of cases of Chronic Constipation, some of which defied all other treatment for as long as 30 years. One man had gone 28 days without a bowel movement. A boy who had never had a natural evacuation without an enema in his life was brought to normal by this great medicine. Re-Ju-Va relieves Constipation in Nature's own way. It is Not a purgative. Keep it on hand as health insurance. Don't Overlook This Opportunity to Regain Health! If you could but see and talk with the multitudes of chronic sufferers, pronounced incurable, who, having spent huge sums of money on various treatments, had found no relief, and then after a brief course of treatment with Re-Ju-Va, have found genuine relief and a renewal of health, it is certain that you would not hesitate to seek the same source of health. * * * Re-Ju-Va is as Pure and Harmless as the food on your table. It supplies Nature's own chemical elements, to the glands and organs of the body, causing them to secrete and function normally. It is unlike every other medicine used for rheumatism and its kindred disorders, as nearly all of these medicines contain injurious drugs, that disturb the functions of the stomach and often act detrimentally to the heart. The wonderful feature of this modern preparation is that it brings relief to the stomach and strength to the heart, with no debilitating reactions. Children thrive upon its health-giving properties, thus you may be assured that a medicine that babies are able to take, will not be violent in its action on an adult. Re-Ju-Va * * * this proven medical food * * * It has no regard as to age or affliction, and can be taken with complete confidence and safety. 'Nature's Way to Regain and Retain Health' Possess and Protect Your Health * * * the Re-Ju-Va Way. * * * The Modern Way to Health Almost Miraculous Results Many Were Given Up To Die Others Were Helpless Cripples Now Enjoy the Blessing of Good Health * * * Contains: No * * * cathartic * * * Nature intended every human body to be healthy. If yours is not, something foreign is obstructing the normal function-

ing of one or more vital organs. Re-Ju-Va restores the natural secretions to fagged, worn and clogged glands, thus restoring normal Elimination. America's leading physicians declare that over ninety per cent of all diseases and disorders arise in the colon. These infections are reabsorbed into the system, producing the majority of human ills. * * * Cathartics, enemas, operations and external applications will not remove the death-dealing infection. Re-Ju-Va is Nature's scientific aid in correcting this basic disorder and thus removing infection and body poisons. * * * It is their sincere purpose to bring hope to the thousands of sufferers here in your great Western States. It is with gratitude to Almighty God they look back upon the vast multitude in the Eastern States that have regained health by this God-given remedy."

On June 21, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19490. Misbranding of Allen's rheumatic treatment. U. S. v. 36 Packages of Allen's Rheumatic Treatment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27698. I. S. No. 22538. S. No. 5760.)

Examination of samples of Allen's rheumatic treatment from the shipment herein described showed that the article consisted of blue and white tablets, each of the white tablets containing 5 grains of acetanilid. The label failed to declare the amount of acetanilid in each tablet, and which of the tablets contained acetanilid; nor was the term "acetanilid" used on the label, the labeling containing a statement of the total amount of acetanilid contained in all tablets in the package and the drug being described as phenylatamide, a name sometimes used for acetanilid. The labeling contained unwarranted curative and therapeutic claims for the article.

On or about February 3, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 36 packages of Allen's rheumatic treatment, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Hart M. Allen Laboratories, from Los Angeles, Calif., on or about December 18, 1931, and had been transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Allen's rheumatic treatment by this department showed that the article consisted of white and blue tablets. The white tablets contained acetanilid (5 grains each), caffeine, and sodium bicarbonate; the blue tablets contained acetylsalicylic acid (7.2 grains each).

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of acetanilid contained in the article, since the substance, acetanilid, was not declared by the name by which it is designated in the law, and the label on each of the packages failed to declare which of the tablets contained acetanilid and the quantity or proportion of said drug contained in each tablet. Misbranding was alleged for the further reason that the following statements appearing on the carton label and in the circular accompanying each of the packages, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatic Treatment * * * A most excellent treatment for the quick relief of Neuritis, Lumbago, Gout * * * Directions Adults—Take two tablets (one of each color) every three hours until pain is relieved, then take two tablets three times a day as long as necessary. * * * gives quick relief from Rheumatism of All Kinds, such as Sciatic, Articular, Muscular, Inflammatory;" (circular) "Rheumatic Treatment * * * Rheumatic Treatment * * * a remedy that has no superior in the treatment of Rheumatism in all its forms, including Sciatic, Muscular, Inflammatory, and Articular, * * * a remedy for the quick relief of Lumbago, Gout, Neuritis * * * remarkably effective in Neuritis. * * * for quick and effective results Allen's Rheumatic Treatment * * * Rheumatic Treatment not only gives quick relief from pains and aches, But it is intended to give complete relief—to break up the most severe and stubborn cases of Rheumatism, Neuritis, Lumbago, Gout * * * Hundreds of unsolicited testimonials written to us * * * are positive evidence that Allen's Rheumatic Treatment has given complete

cures in the most severe and stubborn cases of Rheumatism, Neuritis, Lumbago, Gout * * * Directions For Taking A dose consists of two tablets—one of each color. Simply drop one blue and one white tablet onto the tongue and swallow with a drink of water or other liquid. For very prompt relief it is advisable to crush the tablets and swallow them with a little water. Take four doses per day for the first two or three days, in order to get the treatment thoroughly into the system at once and stop all pains and aches immediately, then just take three doses per day as long as necessary to obtain permanent results. * * * Special Directions: Very old people, people who are in very poor health, those who naturally have a frail or delicate constitution, and anyone who finds the full dose a trifle too strong, should not lay the treatment aside, but simply take a smaller dose."

On March 15, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19491. Misbranding of red-clover flowers. U. S. v. 129 Packages of Red Clover Flowers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27906. I. S. No. 48075. S. No. 5922.)

The product involved in this action consisted of a number of packages of red-clover flowers. The labeling of the article contained statements representing that it possessed curative and therapeutic properties which it did not possess.

On March 14, 1932, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 129 packages of the said red-clover flowers, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by G. S. Cheney Co., from Boston, Mass., on or about January 28, 1932, and had been transported from the State of Massachusetts into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of red-clover flowers by this department showed that the article consisted of the flower heads of red clover.

It was alleged in the libel that the article was misbranded in that the following statements appearing upon the package containing the article, regarding its curative or therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "'A Thorough Blood Purifier' * * * The Best Medicine in Grandma's time. Just as good today. Purify the blood and you have the key to health and long life. For Rheumatism, Swollen or Stiff Joints, Neuritis, etc. No matter how old the sufferer or how long standing the case, Cheney's Loose Clover Flowers * * * Recommended For Cancers, Cancerous Conditions of the Blood, * * * Scrofulous Tumor, Pimples, or any Blood Disease, Rheumatism, Uric Acid Poisoning, etc."

On April 4, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19492. Misbranding of Samaritan nervine. U. S. v. 16 Packages of Samaritan Nervine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27950. I. S. No. 52245. S. No. 5988.)

Examination of a drug product, known as Samaritan nervine, disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article on the carton and bottle labels and in an accompanying circular.

On April 1, 1932, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 packages of the said Samaritan nervine, remaining in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped by the Richmond Remedies Co., St. Joseph, Mo., on or about June 27, 1931, and had been transported from the State of Missouri into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Samaritan nerve by this department showed that the article consisted essentially of potassium bromide (24 grams per 100 milliliters), extracts of plant drugs, including a bitter drug and a mydriatic drug.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, borne on the bottle and carton labels and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Nervine * * * Nerve Sedative * * * especially useful for jumpy nerves;" (bottle) "Nervine * * * Epilepsy, Spasms, Convulsions, St. Vitus Dance, Hysteria, Opium-eating and Alcoholism require larger doses, as these diseases are more violent and stubborn in their character. For these diseases take an extra dose on going to bed * * * Always take a dose when there is a symptom of a convulsion coming on;" (carton) "Nervine * * * Nerve Sedative * * * A Nerve Sedative * * * Nervousness, Sleeplessness, due to Nervousness, Hysteria, Nervous Irritability, Nervous Headache, * * * and Minor Nervous Disturbances."

On May 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19493. Misbranding of Craft's medicine. U. S. v. 5½ Dozen Bottles of Craft's Medicine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27815. I. S. No. 47989. S. No. 5899.)

Examination of a drug product, known as Craft's medicine, showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the statements appearing on the bottle label and carton.

On March 9, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five and one-third dozen bottles of the said Craft's medicine at Chicago, Ill., alleging that the article had been shipped by the Wells Medicine Co., Lafayette, Ind., in part on May 28, 1931, and in part on June 4, 1931, and had been transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the medicine consisted essentially of a sulphonated oil, turpentine oil, and sulphur.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle and carton labels, were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently that it contained ingredients or medicinal agents or combinations effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Bottle label) "Craft's Medicine has been used for over 30 years in the treatment among horses, sheep and dogs of Distemper, Coughs, Colds, Shipping Fever, and Worms * * * General Directions Read the Booklet Carefully Keep all animals warm and dry while under treatment. * * * As a Preventive—Give a teaspoonful every other day, and place a few drops in the feed box. For Dog Distemper—Give one-fourth to one-half teaspoonful to grown dogs, and for puppies 5 to 10 drops twice a day. For Sheep Distemper—Give one-fourth to one-third teaspoonful to grown sheep, and for lambs 5 to 10 drops twice a day. Worms in Hogs—For 50 to 100 lb. pigs give ½ teaspoonful per head in slop once per day for three days—stop for three days and repeat treatment if necessary;" (carton) "Craft's Medicine has been used for over 30 years in the treatment among horses, sheep and dogs of Distemper, Coughs, Colds, Shipping Fever and Worms. A Pamphlet on the Causes and Treatment of these and similar ailments accompanies each bottle. * * * It is perfectly harmless * * * It is entirely harmless."

On April 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19494. Adulteration and misbranding of tincture aconite. U. S. v. Five 4-Ounce Bottles of Tincture Aconite U. S. P. X. Standard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27792. I. S. No. 38192. S. No. 5887.)

The tincture aconite in the shipment involved in this action was represented to be of pharmacopoeial standard. Samples examined were found to possess a potency of less than two-thirds of that required by the United States Pharmacopoeia, tenth revision, for tincture of aconite.

On March 7, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five 4-ounce bottles of the said tincture aconite at New York, N. Y., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Philadelphia, Pa., on or about February 4, 1932, and had been transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tincture Aconite U. S. P. X. Standard."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, in that it had a potency of less than two-thirds of that required by said standard.

Misbranding was alleged for the reason that the statements on the label, "Tincture Aconite U. S. P. X. Standard (Tinctura Aconiti) * * * biologically standardized," were false and misleading.

On April 1, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19495. Misbranding of Admirine. U. S. v. 12 Dozen Bottles of Admirine. Default decree of destruction entered. (F. & D. No. 27316. I. S. No. 47081. S. No. 5439.)

Examination of a drug product, known as Admirine, showed that the article was recommended as a treatment for certain ailments for which cinchona derivatives are customarily prescribed and that cinchona derivatives were not present in the article in sufficient amount to constitute an adequate treatment for such ailments when used according to the dosage recommended under the heading on the bottle label, "To Stop Chills and Fever." The labeling of the article contained further unwarranted curative and therapeutic claims.

On December 1, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 dozen bottles of the said Admirine, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by Kolb Bros. Drug Co., from Paducah, Ky., on or about January 19, 1931, and had been transported from the State of Kentucky into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Admirine by this department showed that the article consisted essentially of the hydrochlorides of cinchona alkaloids (quinidine and cinchonidine, 1.37 grams per 100 milliliters), ferric chloride (0.4 gram per 100 milliliters), extract of a laxative plant drug, a trace of eucalyptus oil, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "The 'Body Builder' * * * Blood Medicine * * * The Body Builder Is recommended to * * * stimulate the Liver and Kidneys to action. * * * Purifies the blood, destroys Malaria, stops Chills and Fever quickly and restores vitality to the weakened body. * * * The 'Body Builder' * * * Blood Medicine For Tired Feeling, Sluggish Liver, Enlarged Spleen, * * * Dizziness, * * * Belching of Gas, Sour Stomach, Weakness, Tired, Lazy Feeling, * * * Indigestion, Foul Breath, Coated Tongue, Liver Spots, Nervousness, Sallow Skin, Melancholia, Pimples, Chronic Chills or Ordinary Chills, Periodical Fevers and the different forms

of Blood troubles that are caused by Malaria Poisoning. It is an exceptionally good tonic for females in cases that are peculiar to their sex. * * * Digestant * * * Nerve Tonic * * * The Body Builder;" (bottle) "'The Body Builder' * * * As a tonic for the blood and general System. * * * To stop Chills and Fever * * * a Blood Medicine and Restorative Tonic."

On May 17, 1932, no claimant having appeared for the property, a decree was entered by the court adjudging that the product should be condemned and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19496. Misbranding of Servex. U. S. v. 12 Sets of Servex. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27295. I. S. No. 12653. S. No. 5456.)

Examination of samples of a drug product, known as Servex, disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed on the carton label and in the accompanying circular.

On November 28, 1931, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court for the district aforesaid a libel praying seizure and condemnation of 12 sets of the said Servex, remaining in the original unbroken packages at Portland, Oreg., alleging that the aforesaid article had been shipped by the Servex Laboratories (Ltd.), from Hollywood, Calif., on or about September 5, 1931, and had been transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Servex by this department showed that the article consisted essentially of oxyquinoline sulphate, quinine sulphate, and boric acid.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton label) "Use Servex before retiring for treatment of Leucorrhoea and other vaginal infections;" (circular) "Your Health Madam! Do you know a woman who is suffering from leucorrhoea or other pelvic disorders, or who is gambling her health by using poisons for her personal hygiene needs? Tell her about Servex. * * * Relief of Pelvic Congestion Did you know that three out of every four women suffer from various degrees of pelvic congestion. This congestion causes that feeling of weight and discomfort, drains vitality, upsets the nervous system, and prepares the way for serious disorders. Servex * * * relieves congestion and frequently removes the causes which would necessitate long and painful treatments by physicians. Leucorrhoea Perhaps you have used Servex for the treatment of leucorrhoea. If so, you know that it is particularly effective for this as for other pelvic disorders. Recommend Servex to a friend who is troubled with leucorrhoea and you will doubly bind that friendship by so doing. * * * 'We have observed the action from the use of Servex the last three years and can highly recommend it in all vaginal disorders as well as for prophylactic purposes.' * * * 'A safe, sanitary measure for combating the usual infectious conditions of the vaginal area. It is decidedly one of the most pleasant methods of applying an antiseptic in pelvic regions, as well as efficacious.' 'During the past year I have used Servex continually in the office on vaginal infections. Am gratified to say that the results have been uniformly satisfactory.'"

On May 6, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19497. Misbranding of Meyer's Mount Clemens aperient water. U. S. v. 4 Dozen Bottles of Meyer's Mount Clemens Aperient Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28268. I. S. No. 43061. S. No. 6141.)

Examination of a drug product, known as Meyer's Mount Clemens aperient water, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle label.

On April 30, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying

seizure and condemnation of four dozen bottles of the said Meyer's Mount Clemens aperient water, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by John Meyer, from Mount Clemens, Mich., on or about March 7, 1932, and had been transported from the State of Michigan into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Meyer's Mount Clemens aperient water by this department showed that the article was highly mineralized and that the dissolved mineral matter consisted chiefly of sodium chloride, sodium sulphate, and magnesium sulphate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Indigestion, Dyspepsia, Catarrhal Affections of the Stomach and Bowels, Torpid Liver, Jaundice, Gall Stones, Biliousness, Rheumatism, Gout Transitory and Alimentary, Glycosuria, Impaired Metabolism, Uric Acid, Diathesis, and allied disorders."

On May 24, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19498. Misbranding of Ki-La-Ga. U. S. v. 100 Packages of Ki-La-Ga. Default decree of destruction entered. (F. & D. No. 28017. I. S. No. 27216. S. No. 6053.)

Examination of a drug product, known as Ki-La-Ga, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed on the bottle and carton labels and in the accompanying circular. The article was further represented to be antiseptic, whereas it was not antiseptic under conditions of use involving brief periods of time.

On April 19, 1932, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 packages of the said Ki-La-Ga, remaining in the original unbroken packages at Vicksburg, Miss., alleging that the article had been shipped by the Hartig Drug Co., Dubuque, Iowa, on or about December 12, 1929, and had been transported from the State of Iowa into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Ki-La-Ga by this department showed that the article consisted essentially of iron, copper, aluminum, zinc, calcium, and magnesium compounds, sulphates, and water. Bacteriological examination showed that the article was not antiseptic under conditions of use involving brief periods of time.

It was alleged in the libel that the article was misbranded in that the following statements on the bottle label and in the circular were false and misleading: (Bottle) "Possesses valuable antiseptic properties * * * Add one teaspoonful of Ki-La-Ga to a cup of warm water and use to snuff up nose, gargle throat or spray with an atomizer. * * * should be used diluted with half water, as a gargle, * * * Daily Mouth Wash—One or two tablespoonfuls of Ki-La-Ga in half a glass of water;" (circular) "It replaces iodine or other disinfectants * * * Do not have poisonous antiseptics in your medicine chest * * * Ki-La-Ga is highly satisfactory when used for an antiseptic and is absolutely safe." Misbranding was alleged for the further reason that certain statements as set forth hereinafter, which were attached to the libel and made a part thereof, represented that the article had curative and therapeutic effects in the treatment of eczema, itch, ring-worm, pimples, rashes, infected wounds, boils, erysipelas, hay fever, catarrh, pyorrhea, soft corns, bunions, and other forms of diseases of human beings, which statements were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed. The statements attached to the libel and made a part thereof were as follows: (Bottle label) "Has been found very effective in the treatment of Eczema, Itch, * * * Ring-Worm, Pimples, Rashes and various skin eruptions. * * * Directions For Using Eczema—(Also called Tetter, Salt-

Rheum, Milk-Crust, etc.) First wash affected parts with lukewarm water and castile soap, rinse well and dry with soft towel. Apply Ki-La-Ga by means of a cloth or sponge, two or three times daily, allowing the solution to dry on the skin. Where the diseased area is small, a cloth saturated with Ki-La-Ga may be left in contact with the spot. When this is done, place a dry cloth over it to protect clothing or bedding from stains. The itching usually stops after two or three applications, and continued use of the treatment often gives permanent relief. * * * Hives, Rashes—Apply Ki-La-Ga undiluted with soft cloth or sponge and allow to dry. Repeat treatment twice a day. Catarrh, Hay Fever, Sore Throat, * * * Add one teaspoonful of Ki-La-Ga to a cup of warm water and use to snuff up nose, gargle throat or spray with an atomizer. In severe cases increase the strength of the solution by adding more Ki-La-Ga. In bad cases of sore throat Ki-La-Ga should be used diluted with half water, as a gargle, three or four times daily. For relief of catarrh, hay fever * * * use a mild solution of Ki-La-Ga in an atomizer or snuff up the nose two to four times daily;" (carton) "For the treatment of Eczema, Itch * * * Ring-Worm, Pimples, Rashes and various skin eruptions;" (circular) "Relief from infected wounds, * * * boils, * * * and other ills. * * * The simple Indians, who once roamed these hills, knew Ki-La-Ga and here they came to wash and be clean of all manner of diseases. Chief Nishinau, last head of the few remaining tribesmen, will tell you how his father, and his father's father, used to camp beside the spring, bathe in its healing water, and wash the wounds that would not heal. * * * Curiosity led to further investigation, experiments were made, the Indian stories were recalled and for three full years the action of Ki-La-Ga was tried upon all forms of skin diseases. The result was truly marvelous. Something magical seemed to be in Ki-La-Ga, that mastered first one ailment, then another. Finally, thoroughly convinced that in Ki-La-Ga, the Great Chemist, Nature, had given an unfailing remedy for all diseases of the skin, a group of well-known men decided to send Ki-La-Ga forth to bless countless sufferers who might find new life and hope in its healing. Thus out from the old mine, where once gold and copper were taken, comes nature-made Ki-La-Ga, a true treasure, potential in restoring to health all those who suffer with: Eczema, and all skin eruptions, such as Boils, Pimples, Ring Worms * * * and infected sores. * * * Dandruff and all scalp diseases. * * * soft corns. Also pain and soreness caused by * * * bunions. Catarrh, Hay Fever, Tonsilitis, Ulcerated Sore Throat, Pyorrhea. * * * Iron, aluminum, zinc, magnesia, copper, sulphur, etc., are all used * * * to cure disease and build up weakened systems. * * * to relieve erysipelas and other ills. * * * Why Suffer So, When Ki-La-Ga Aids Eczema. First wash parts affected with lukewarm water and pure castile soap, rinse well and dry with soft towel. Apply freely by means of cloth or sponge saturated with Ki-La-Ga. Cloth may be left in contact with affected parts, if it does not cover too large an area. Protect clothing against staining by covering the wet cloths with waxed paper or other water-proof material. Where the disease has spread over a large portion of the body, it is only necessary to wash the affected portion two or three times a day. Almost immediate results will be noticed. The itching usually stops after two or three applications, and continued use of Ki-La-Ga gives permanent relief. The length of time required for complete relief depends to some extent upon the intensity of the disease and on the physical condition of the patient. Follow same directions for itch, barber's itch, hives, rash, etc. Treated Bad Case 14 Months One Bottle Ki-La-Ga Clears Face * * * 'Believing that my experience with your natural water would be of interest to you, kindly be advised that I have been treating a severe case of Eczema on the face for 14 months with numerous remedies and specialties. The treatments included everything from salves to serum inoculations. A friend of mine advised me to try your mineral water, and without exaggeration, I can truthfully say that six applications brought instant relief and one bottle has cleared my face entirely.' * * * Mother, Troubled With Eczema For Five Years, Completely Relieved By Ki-La-Ga; Daughter Also Benefited. * * * 'I was troubled with Eczema for almost five years. I tried every available remedy I could find. I would get only temporary relief. It would keep appearing. Then I heard of this water from Mr. Gaylord's mine. I obtained a bottle and after using it for a short time, the results were so wonderful, I kept persisting in the treatment giving it a thorough trial, and now I am glad to say I am completely cured. My skin is as though I had never a trace of Eczema. My daughter was also affected with eczema. I could get no effective

cure for her. I used the water, using the treatment for her as I did for myself. She is now well. It seems to have almost a magic healing power. After giving it a test, the results are such that I can not praise it too highly.' * * * Helps Own Eczema; Buys Bottle For Friend. 'After suffering with eczema for three months and doctoring with skin specialists and finding out I did not improve, I thought I would try some of the mineral water Mr. Landis and Mr. Gaylord had. I got one bottle and in three weeks the eczema was all gone. I got a bottle for a friend of mine who had eczema. After using it a little over a week, he was cured. I cannot say enough for this medicine.' * * * Ki-La-Ga Is Good For Eczema Of The Scalp. Of all the unpleasant places to have Eczema, the top of one's head, right among the hair roots, is absolutely the most annoying. Ki-la-ga will soak right down into the sores, wash off the crusts, check itching, and relieve the suffering in a very short time. If you value your hair use Ki-la-ga. It also promotes hair growth. * * * Hay Fever, Catarrh, Asthmatic Ailments, Bronchitis * * * Place a teaspoonful of Ki-la-ga in a cup of boiled or distilled water and use this solution to snuff up the nose, gargle throat, or use in an atomizer. In simple cases this solution can be used in a small glass duct irrigator. In severe cases increase the strength of this solution by adding double amount of Ki-la-ga. Until the delicate mucous membranes are healed it is best to start out by using a weak solution of Ki-la-ga as indicated above. In severe cases of sore throat Ki-la-ga can be used diluted with half water. In the relief of hay fever and catarrh it has been found that using a dilution of Ki-la-ga night and morning is sufficient to bring about the desired results. In severe cases this may be repeated three or four times daily. * * * It Will Help Pyorrhea. Pyorrhea has for years been considered one of the most dangerous enemies to health because supposed to be incurable. When one's teeth are bad, proper chewing of food becomes impossible and a number of ills result directly from the strain thus put upon the stomach. It is important that the teeth be preserved and Ki-la-ga will be found very valuable. Pyorrhea is an inflammation of the tissues surrounding the teeth. In most cases this inflammation is caused by tartar forming on the teeth at the edge of the gum. As a result the bony structure of the teeth is destroyed and pus pockets are formed about their roots. One spoonful of Ki-la-ga in ten spoonfuls of water is a wonderful remedy in the alleviation and prevention of such conditions. Rinse the mouth with it for two or three minutes night and morning. Musician Plays With Greater Ease After Using Ki-La-Ga For Pyorrhea. 'Sacramento, California, May 14, 1923 Ki-la-ga Company, Sacramento, California. Gentlemen: My teeth were getting so loose from pyorrhea that one day two dropped out as I was playing cornet in a theatre orchestra. It worried me very much, because when a musician's teeth go bad, that's the end of him. A friend told me he had been cured of pyorrhea by the water from a spring in Placer County used by the Indians, called Ki-la-ga. I at once got a bottle. They tell me it will take some time to cure me, but I have been using it long enough to check the spongy suppuration from the gums and give them a cleaner, healthy appearance. My teeth are not so loose in their sockets and I can play with greater ease.'—Name Given on Request. * * * Ki-La-Ga Gives Relief From * * * Soft Corns, Bunions, * * * And Other Foot Ailments * * * Relief For Piles Saturate cotton with 1 part Ki-la-ga to 4 or 5 parts of water and insert it at night; allow to pass in morning. Itching will stop in a few hours and permanent relief in three or four days. Three Applications Relieved Bleeding Piles. 'Auburn, California, October 11, 1922. Mr. E. C. Gaylord, Auburn, California. Friend Gaylord: On the advice of a friend I used your Ki-la-ga water on a case of bleeding piles that I was told could not be cured without an operation. I bled so much that I grew very weak at times. After three applications I was entirely cured—getting instant relief after the first application. I can heartily recommend this water as a positive cure and will not be without it in our home. Yours truly, D. Gordon.' * * * Old Wound Healed By Aid Of Ki-La-Ga. 'Auburn, California, March 14, 1923. On the first day of September, 1916, my son underwent an operation for an abscess in the bone of the leg below the knee. The bone was entirely hollowed out from the knee to ankle, leaving only the shell. The bone was over two years growing in, and during that time, keeping the flesh open for so long caused the wound to become so sluggish that it seemed it would never heal. From about the first of January, 1918, to the first of June, 1922, we tried all kinds of remedies suggested by various people, both here in Auburn and Oakland, without much success. About the first of June, 1922, when we first tried Ki-la-ga water, the sore was about

three inches long by one inch wide and at the end of three months the sore could be covered by a half dollar, when he had an accident and injured the leg again, scraping the skin off nearly as large a place as it was in the beginning, but by keeping up the same treatment with Ki-la-ga, the leg is thoroughly healed now and has been for several weeks. We have used Ki-la-ga for several purposes and believe it is a wonderful remedy for all sores and skin diseases, and can recommend the same to anyone.' * * * 'I have used your Ki-la-ga for various skin eruptions and with good results, in fact it is the only thing I have ever used that has given good results.'"

On May 17, 1932, no claimant having appeared for the property, a decree was entered adjudging the product subject to condemnation, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19499. Misbranding of Phillips' Anti-Phlogistic mud. U. S. v. S Jars, et al., of Phillips' Anti-Phlogistic Mud. Default decree of condemnation and destruction. (F. & D. No. 25440. I. S. Nos. 13746, 13747. S. No. 3698.)

Examination of samples of a drug product, known as Phillips' Anti-Phlogistic mud, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the labeling.

On December 8, 1930, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 large jars, 26 medium-sized jars, and 30 small jars of the said Phillips' Anti-Phlogistic mud at Cedar Rapids, Iowa, alleging that the article had been shipped by the Denver Mud Chemical Co., from Kansas City, Mo., in part on or about September 17, 1930, and in part on or about October 27, 1930, and had been transported from the State of Missouri into the State of Iowa, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Phillips' Anti-Phlogistic mud by this department showed that the article consisted essentially of kaolin, glycerin, boric acid, and essential oils including methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Package) "This preparation is used in the treatment of Pneumonia, * * * Croup, Sore Throats, Lumbago, Bronchitis * * * Ulcers, Boils, Felons, Carbuncles, Abscesses, Scrofulous Swelling, Rheumatism, Synovitis, Chronic Overitis, Itching Piles, * * * Warts, Corns, Inflammations of every character, wherever a hot application, poultice or liniment is indicated. For the relief of pain and the prevention of undue suppuration * * * This Preparation Will Reduce Fever Inside of One-Half Hour When Applied as in Pneumonia, Relieving the temperature from one to three degrees. This Preparation Relieves Inflammation by Absorbing the Water from the Tissues."

On May 20, 1931, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19500. Misbranding and alleged adulteration of Gento. U. S. v. 180 Dozen Packages of Gento. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27347. I. S. No. 41412. S. No. 5516.)

Examination of a drug product, known as Gento, from the shipments herein described disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle label and in a circular shipped with the article. It was further claimed for the article that it contained a cod-liver extract, whereas tests showed it to be worthless as a source of the principal vitamins of cod-liver oil.

On December 14, 1931, the United States attorney for the Eastern District of Wisconsin, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 180 dozen packages of Gento, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Gento Laboratories from Philadelphia, Pa., in part on or

about August 14, 1931, and in part on or about August 19, 1931, and had been transported from the State of Pennsylvania into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of Gento by this department showed that the article consisted essentially of sodium, potassium, and calcium compounds, including hypophosphite and bicarbonate, methenamine, extracts of plant drugs including a laxative drug, alcohol, and water. Biological examination showed that the article was worthless as a source of vitamins A and D.

Adulteration of the article was alleged in the libel for the reason that it was sold under the following standard of strength, namely, "Cod Liver Extract," whereas the strength of the article fell below such professed standard, since it did not contain the therapeutically active ingredients of cod-liver oil.

Misbranding was alleged for the reason that the following statements were false and misleading: (Carton) "With Cod Liver Extract;" (bottle label) "The nutritive power of Cod Liver Extract;" (circular) "Gento contains * * * Cod Liver Extract. * * * The nutritive properties of Cod Liver Extract." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Possessing all of the * * * invigorating powers of the Hypophosphites;" (circular) "Would you like to enjoy real health with quiet nerves, good appetite and sound, restful sleep? Then give attention to organs that play the important part in illness or in health—the Stomach, Liver, Kidneys and Bowels. When these organs are functioning perfectly, health is almost certain, but when they are abused and become inefficient in their daily duties, trouble begins. Gento—a formula of unquestionable merit, has been arranged by two Registered Pharmacists after years of study and experience. Gento contains among other valuable ingredients the time-tested Hypophosphites of Calcium, Sodium and Potassium, together with Cod Liver Extract. These ingredients have been known for years throughout the nation for their aid to digestion, nutrition and for strengthening weak and run-down systems. Watch your habits—eat regularly—take Gento—get the proper amount of sleep and see for yourself how you feel after a short while. Stomach: Improper digestion often causes intense pains, followed by gas bloating, severe headaches, belching sour, burning liquids and a foul breath. Take Gento regularly—let nothing stop you in your effort to restore health to the Stomach. Liver: Biliousness, Dizzy Spells, Violent Headaches, Sallow Complexion and loss of 'pep.' Take Gento three times a day. It may be just what you need to correct the disordered conditions. Kidneys: Frequent night rising, sharp pains over the Kidneys, painful backache, dark circles under the eyes, stiffness in the legs or swelling of the lower joints. Gento contains diuretic qualities. Gento Bowels: Constipation due to torpor of the lower colon, pain in lower Stomach, tired, worn-out feeling, loss of sleep. Gento contains laxative properties especially recommended in cases of habitual constipation. Convalescence from acute diseases, when the whole system is at its weakest stage, should be attended with much care in restoring the normal action of all organs. Eat regularly of wholesome food, get proper amount of rest during day and plenty of sleep at night. The nutritive properties of Cod Liver Extract and Hypophosphites may be extremely beneficial. * * * The brain is the organ that first senses something wrong when illness overtakes the body. When stomach or digestive organs pause the slightest bit, it immediately is signaled to the brain. When muscles ache or constipation starts, the brain knows it at once. Pains and aches are warnings that something is out of order, and quick steps should be taken to relieve them. Gento * * * The un-failing action of the heart in pumping pure red blood through the body is necessary to our existence. That is life in itself. The liver must be kept clean and healthy that it may continue to give forth its secretions. The lungs must be strong and healthy that they may continue to supply the blood with oxygen and remove its impurities. Gento * * * When food enters the mouth it is chopped up and ground to fine bits by the teeth, mixed with saliva, giving it the first digestive treatment. Food swallowed hurriedly is not sufficiently macerated and mixed with saliva to promote good digestion, and as a result it lays heavily in the stomach, causing much pain and misery. Only a good digestive aid can remedy this condition after the food is in the stomach. Gento * * * The Stomach, seat of many common ailments, is

probably the most abused organ. Food sent into the stomach from the mouth without being properly chewed gives the stomach much trouble in passing it on. The intestines become clogged with waste matter and the sour bile empties into the stomach instead of flowing into the intestines. Stomach conditions should be treated at once. Much pain and misery can thus be avoided. Gento."

On February 12, 1932, the Gento Laboratories, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered. The court, having made a finding that the product was misbranded but that it might be relabeled in such manner as to render it not in violation of the law, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19501. Adulteration and misbranding of Dr. Davis' Rheumagon. U. S. v. 19 Packages of Dr. Davis' Rheumagon. Default decree of condemnation and destruction. (F. & D. No. 27819. I. S. No. 43220. S. No. 5913.)

Examination of Dr. Davis' Rheumagon showed that the article contained a smaller amount of acetphenetidin than labeled; that the acetphenetidin declaration was made on the label inconspicuously and in small type; that the fact that acetphenetidin is a derivative of acetanilid was not clearly indicated; and that the label contained unwarranted curative and therapeutic claims for the article.

On March 8, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 packages of the said Dr. Davis' Rheumagon, remaining in the original packages at Pittsburgh, Pa., alleging that the article had been shipped by the Rheumagon Sales Co., from Wheeling, W. Va., on or about January 11, 1932, and had been transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Examination of a sample of the article by this department showed that it consisted of capsules, each containing acetylsalicylic acid (8 grains), acetphenetidin (1.21 grains), caffeine (0.21 grain), and starch.

It was alleged in the libel that the article was adulterated in that it was sold under its own standard of strength, namely, (retail package) "Each capsule contains 1½ gr. acetphenetidin," and the strength of the said article fell below such professed standard in that it contained a less amount of acetphenetidin.

Misbranding was alleged for the reason that the statement on the label, "Each capsule contains 1½ gr. acetphenetidin," was false and misleading. Misbranding was alleged for the further reason that the label failed to bear a statement of the quantity or proportion of acetphenetidin contained in the article since the declaration "Each capsule contains 1½ gr. acetphenetidin (acetanilid d.)" was not correct, appeared inconspicuously in small type on the package, and did not clearly indicate that acetphenetidin is a derivative of acetanilid. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display carton) "Rheumagon * * * An Ideal Remedy for the Relief of Neuritis, Rheumatism, Lumbago and Pain in General;" (tin container) "Rheumagon * * * An Ideal Remedy for the Relief of Neuritis, Rheumatism, Lumbago, and Pain in General * * * Rheumagon * * * Neuritis and Rheumatism;" (sticker) "For Satisfactory Results We Recommend a Course of Treatment of Three to Five Boxes * * * Rheumagon;" (diet slip) "Diet Slip in Chronic Rheumatism and Neuritis. [Testimonials] "Rheumagon: * * * I was afflicted with Neuritis * * * and after taking a few boxes I have never had a severe attack of Neuritis. I am practically cured. Unlike most medicine for Neuritis and Rheumatism there is no unpleasant after effect, as it has no effect on the stomach nor on the heart action. * * * recommend it to all those who are suffering from Neuritis or Rheumatism," * * * medicine works wonders. * * * Rheumagon * * * a wonderful remedy * * * One of the pilots was all crippled up in the legs, * * * I gave him several of

these capsules and in two days he was hopping around like a kid. * * * recommend this wonderful medicine to all sufferers of Neuritis or Rheumatism.' * * * 'Rheumagon * * * Rheumagon is the stuff. * * * my feet played out on me, * * * one knee got sore, * * * got so bad I could hardly drag around. Mr. Smith gave me the medicine he got from you * * * was greatly surprised how quick I began to improve. I soon got to walking around and the pain and soreness all left my hands and shoulders and I am much better. * * * thanks to your Rheumagon * * * Go as far as you like on my say for your Rheumagon as it surely will help rheumatic sufferers.' * * * 'Rheumagon * * * Remedy for Rheumatism.' * * * 'Rheumagon * * * Dr. Davis' Rheumatism Medicine.'"

On April 7, 1932, no claimant having appeared for the property, the court found that the allegations of the libel were true, judgment of condemnation was entered and it was ordered that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19502. Misbranding of Pyro-Sana tooth paste. U. S. v. 11½ Dozen Tubes of Pyro-Sana Tooth Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27943. I. S. No. 52248. S. No. 5994.)

"Examination of samples of Pyro-Sana tooth paste from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed on the carton and tube labels and in an accompanying circular.

On March 26, 1932, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11½ dozen tubes of Pyro-Sana tooth paste, remaining in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped on or about February 13, 1930, by the Alhosan Chemical Co., from St. Louis, Mo., and had been transported from the State of Missouri into the State of Indiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of calcium carbonate, glycerin, and a small proportion of creosote.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and tube) "Prevents Pyorrhea, Preserves the Gums * * * A proven medicinal agent in checking and controlling Pyorrhea, relieving and preventing soft bleeding gums, preventing receding gums, making them hard and firm * * * A Healthy Mouth is a Good Foundation;" (circular) "Pyro-Sana Toothpaste will check pyorrhea, make the gums hard and firm, relieve and prevent soft bleeding gums and maintain a vigorous and healthy mouth."

On May 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19503. Misbranding of Dr. Alexander's Lung Healer. U. S. v. 9½ Dozen Bottles of Dr. Alexander's Lung Healer. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25959. I. S. No. 20170. S. No. 4207.)

Examination of a drug product, known as Dr. Alexander's Lung Healer, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle and carton labels.

On March 2, 1931, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of nine and seven-twelfths dozen bottles of the said Dr. Alexander's Lung Healer at Binghamton, N. Y., alleging that the article had been shipped by the Valley Drug Co., Wilkes Barre, Pa., on or about January 13,

1931, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including ipecac, chloroform, alcohol, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements on the bottle label and carton were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Lung Healer * * * For the Treatment of Coughs, Spasmodic Croup, Hoarseness, Bronchitis, Whooping Cough and Bronchial Asthma;" (carton) "Lung Healer * * * for the treatment of Coughs, * * * Bronchitis, Bronchial Asthma, Whooping Cough and Spasmodic Croup. * * * this famous remedy is to relieve the specified ailments—lung trouble."

On November 6, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19504. Alleged adulteration and misbranding of fluidextract ergot. U. S. v. Eighty-four 4-Ounce Bottles of Fluidextract Ergot. Libel ordered dismissed and product restored to claimant. (F. & D. No. 26197. I. S. No. 25857. S. No. 4526.)

A sample of fluidextract of ergot from the shipment herein described was found to have a potency of approximately one-half that required by the United States Pharmacopoeia for the drug. Examinations of other samples made after the filing of the libel, appearance of claimant, and the entry of consent decree showed that the article met the pharmacopoeial requirements.

On or about April 10, 1931, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eighty-four 4-ounce bottles of the said fluidextract ergot at Chicago, Ill., alleging that the article had been shipped by Eli Lilly & Co., from Indianapolis, Ind., January 6, 1931, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

The libel charged that the article was adulterated in that it was sold under the name of "Ergot," a name recognized in the United States Pharmacopoeia, and differed from the standard of quality and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard of strength was not stated on the container.

It was further charged in the libel that the article was misbranded in that the statements on the label, "Fluid Extract * * * Ergot U.S.P. * * * Physiologically Standardized—1 cc. represents 1 Gm. of drug," were false and misleading.

On May 7, 1931, for the purpose of joint assay of the ergot by the Food and Drug Administration and the claimant, Eli Lilly & Co., Indianapolis, Ind., appeared as claimant and consented to the entry of an interlocutory decree of condemnation and forfeiture. The ergot was jointly assayed by Eli Lilly & Co. and the Food and Drug Administration, and found to be in compliance with the act.

On February 29, 1932, a final decree was entered finding the ergot to be in compliance with the food and drugs act, and the bond was canceled and the cause dismissed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19505. Adulteration and misbranding of fluidextract of ginger. U. S. v. Elk Manufacturing Co. Plea of guilty. Fine, \$50. (F. & D. No. 26576. I. S. No. 030572.)

This case was based on the interstate shipment of a quantity of fluidextract of ginger which was represented to conform to the requirements of the United States Pharmacopoeia. Samples examined were found to contain rosin and phenolic compounds, which are not normal constituents of fluidextract of ginger, and also were found to contain less alcohol than declared on the label.

On August 27, 1931, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information

against the Elk Manufacturing Co., a corporation, Jellico, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about February 3, 1930, from the State of Tennessee into the State of Georgia, of a quantity of fluidextract of ginger that was adulterated and misbranded. The article was labeled in part: (Bottle) "Fluid Extract Ginger U. S. P. Alcohol 83 percent By Volume * * * Distributed by Elk Mfg. Co. Jellico, Tenn."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, since it contained rosin and phenolic compounds which are not mentioned in the pharmacopoeia as constituents of fluidextract of ginger, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, since it was represented to conform to the United States Pharmacopoeia and to contain 83 per cent by volume of alcohol, whereas it did not conform to the test laid down in the pharmacopoeia, and contained less than 83 per cent of alcohol by volume, namely, 76.55 per cent of alcohol by volume.

Misbranding was alleged for the reason that the statements, "Fluid Extract Ginger U. S. P." and "Alcohol 83 percent By Volume," appearing on the label, were false and misleading, since the article was not fluidextract of ginger which conformed to the standard prescribed by the pharmacopoeia, and contained less than 83 per cent of alcohol. Misbranding was alleged for the further reason that the label of the article failed to bear a statement of the quantity and proportion of alcohol contained in the article, since the statement made was incorrect. Misbranding was alleged for the further reason that the article was composed in part of rosin and phenolic compounds prepared in imitation of fluidextract of ginger U. S. P., and was offered for sale and sold under the name of another article, namely, fluidextract of ginger, U. S. P.

On February 4, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19506. Misbranding of Stillman's douche powder. U. S. v. One hundred and twenty 6-Ounce Packages, et al., of Stillman's Douche Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27238. I. S. Nos. 37010, 37011, 37012. S. No. 5397.)

Examination of a drug product, known as Stillman's douche powder, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in a circular shipped with the article.

On December 11, 1931, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one hundred and twenty 6-ounce packages and fifty-eight 12-ounce packages of the said Stillman's douche powder at Dallas, Tex., alleging that the article had been shipped by the Stillman Co., from Aurora, Ill., on or about May 12, 1931, and had been transported from the State of Illinois into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid, zinc sulphate, and a small proportion of zinc phenolsulphonate. Bacteriological examination showed that the article was not antiseptic in the dilutions recommended for its use.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: "It is especially prepared * * * for the treatment of Leucorrhea, Vaginitis, Pruritus, Vaginal and all Mucous purulent discharges from the female genital canal; and is a great aid in preventing infection. * * * For the treatment of the above mentioned discharges use one tablespoonful of Stillman's Douche Powder to each quart of warm water, stirring if necessary. If the discharge is effusive it is often advisable to douche three times a day."

On June 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19507. Misbranding of Pratts N-K nicotine and kamala tablets. U. S. v. 23 Packages, et al., of Pratts N-K Nicotine & Kamala Tablets. Default decree of condemnation, forfeiture, and destruction. (8220-A, 8221-A, 8222-A, 8223-A. F. & D. No. 28429.)

Examination of a drug product, known as Pratts N-K nicotine and kamala tablets, from the shipment herein described having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On June 22, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 packages, adult size, and 32 packages, chick size, of Pratts N-K nicotine and kamala tablets, remaining in the original unbroken packages at Camden, N. J., alleging that the article had been shipped by the Pratt Food Co., from Philadelphia, Pa., on or about May 23, 1932, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of kamala and tobacco.

It was alleged in the libel that the article was in violation of the food and drugs act, section 8, paragraph 3, as amended, under drugs, in that the following statements appearing in the labeling, regarding the curative or therapeutic effect of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Tape * * * Worms of Poultry * * * for individual treatment of poultry infested with tape * * * worms;" (circular) "Don't Let Worms Kill Your Hens! [Cut showing picture of tapeworms] * * * Full, Therapeutic Dose of Fresh, Potent Kamala and Nicotine Kills the Worms * * * Here in the Intestines the Kamala and Nicotine Kills The Worms * * * Solving The Worm Problem * * * There is no simpler, safer, surer and quicker way to treat fcwls for worms than by the use of Pratts N-K Capsules. * * * Pratts N-K Capsules. * * * Get the Worms."

On August 2, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19508. Adulteration and misbranding of ether. U. S. v. Keene Chemical Co. (Milton Elias Co., Harold Surgical Corporation). Plea of guilty. Fine, \$2,000. (F. & D. No. 26535. I. S. Nos. 01378, 01379, 03930, 03958, 019565, 019567, 019568, 021651.)

This action was based on five separate interstate shipments of ether. Samples examined were found to contain excessive nonvolatile matter; peroxide and aldehyde, not normal constituents of ether, also were found; samples from all consignments were found to contain acid in excess of the amount permitted by the United States Pharmacopoeia. Investigation showed that the article was a part of a lot of ether purchased from the Government as surplus Army stores, the Government having required the purchaser to execute a bond conditioned that it would be used otherwise than for purposes of anaesthesia, and in some manner whereby its deteriorated condition would not endanger human life. The article was shipped under its original label as ether for anaesthesia.

On September 16, 1931, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Keene Chemical Co., a corporation organized under the laws of the State of New York, and having an agent at Bayway, N. J. The information charged shipment by said company by means of its duly authorized agents, of the following consignments of ether which was adulterated and misbranded in violation of the food and drugs act: On or about July 8, 1929, from Bayway, N. J., into the State of Georgia; on or about July 29 and July 30, 1929, in the name of the Milton Elias Co., from Bayway, N. J., into the State of Minnesota;

on or about August 29, 1929, in the name of the Milton Elias Co., from Bayway into the State of Pennsylvania; and on or about September 9, 1929, in the name of the Harold Surgical Corporation, from Bayway, N. J., into the State of Pennsylvania. The article was labeled in part: "Ether * * * For Anaesthesia * * * The best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P."

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label, viz: 1 consignment of the article contained a greater amount of acid and non-volatile residue than specified in the pharmacopoeia; 2 of the consignments contained acid in excess of the amount specified in the pharmacopoeia; 1 consignment contained peroxide, which is not a constituent of the pharmacopoeial product, also acid in excess of the amount specified in the said pharmacopoeia; and 1 consignment contained aldehyde, which is not a constituent of the pharmacopoeial product, also acid in excess of the amount specified by the pharmacopoeia.

Misbranding was alleged for the reason that the statements, "Ether * * * the best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P.," borne on the label, were false and misleading, since the article was not the best ether than can be made, and it was not superior, but was inferior to ether that complies with the United States Pharmacopoeia, since it contained impurities that made it inferior for use for anaesthesia.

On November 16, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 on each count, a total fine of \$2,000 on the 10 counts.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19509. Adulteration and misbranding of ether. U. S. v. Sidney Cohen (Pacific Chemical Co.). Plea of guilty. Fine, \$200. (F. & D. No. 26529. I. S. Nos. 028826, 028827, 028828, 028829, 028831, 028832, 028833, 028834.)

This action was based on the interstate shipment of quantities of ether. Samples examined were found to contain peroxide, indicating deterioration. Acid and nonvolatile residue in excess of the amounts permitted by the United States Pharmacopoeia for ether also were found. Investigation showed that the article was a part of a lot of ether purchased from the Government as surplus Army stores, the Government having required the purchaser to execute a bond conditioned that it be used for purposes other than anaesthesia, and in some manner whereby its deteriorated condition would not endanger human life. The article was shipped under its original labels as ether for anaesthesia.

On October 20, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Sidney Cohen, trading as the Pacific Chemical Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 27, 1929, from the State of New York into the State of Pennsylvania, of quantities of ether that was adulterated and misbranded. The article was labeled in part: "Ether * * * For Anaesthesia * * * the best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, since it consisted in part of peroxide, a constituent not present in ether of the United States Pharmacopoeial standard, and since it contained acid and nonvolatile residue in excess of the amounts specified in the said pharmacopoeia, and its own standard was not stated on the label. Adulteration was alleged for the further reason that the article was sold under the following professed standard and quality stated on the label, "Ether * * * the best that can be made for anaesthesia. * * * It is superior in vital respects to the ether of the U. S. P.," and its strength and purity fell below such professed

standard, since it was not the best ether that could be made for anaesthesia, and was inferior in vital respects to ether complying with the United States Pharmacopoeial standard.

Misbranding was alleged for the reason that the statements, "Ether * * * the best that can be made for anaesthesia * * * It is superior in vital respects to the ether of the U. S. P.," borne on the tins containing the article, were false and misleading.

On December 7, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19510. Misbranding of Tuttle's Family elixir. U. S. v. 1¾ Dozen Bottles, et al., of Tuttle's Family Elixir. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26316, 26317. I. S. Nos. 28464, 28465. S. Nos. 4606, 4607.)

Examination of a drug product, known as Tuttle's Family elixir, disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle and carton labels and in a circular shipped with the article. Analysis showed the presence of alcohol, which was not declared on the label.

On May 2, 1931, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of four and one-half dozen bottles of the said Tuttle's Family elixir, remaining in the original unbroken packages at Portland, Me., alleging that the article had been shipped by Tuttle's Elixir Co., from Boston, Mass., in part on or about February 13, 1931, and in part on or about March 9, 1931, and had been transported from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of volatile oils including camphor and a coniferous oil, ammonia, ox gall, alcohol, and water.

It was alleged in the libels that the article was misbranded in that the carton failed to bear a statement of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Lameness and Joint Affections * * * Recommended for Cholera Morbus, Diarrhoea, Lameness, Neuralgia, Toothache, Headache, Earache, Croup, * * * Caked Breasts, Lamé Back, Pain in the Side, * * * Corns, Buns, Chilblains, Contracted Cords. Directions for Use;" (carton) "For Pains, Lameness, Stiff Joints, Sore Throat * * * Etc.;" (circular) "Testimonials * * * 'After suffering with inflammatory rheumatism till I was crooked and bent, with hands enlarged and fingers twisted out of shape, I know something of the intense pain and agony that dread disease inflicts. For the past three years I used crutches, and was unable to dress myself. Five different physicians tried their skill on me, and each decided I was incurable. I was simply in despair, and hoped for death as a relief from my misery. A friend advised me to try Tuttle's Elixir. I had used so much medicine that I hated to touch a bottle, but to my surprise I found that it relieved me within three days. The pain had subsided, and after the constant application of the Elixir for five weeks, the pain had left me entirely. I now walk without crutches, and can dress and care for myself.' * * * for the instant relief and speedy cure for poisoning from Gypsy and Brown Tail Moths. I tried many different preparations but received no benefit from any of them; but after applying your Elixir three times the irritation, itching and swelling was all gone and I will be pleased to tell anyone of my experience with your Elixir.' * * * I have been sadly afflicted with rheumatism in my feet for several months, and suffered great pain, so much so, it was with great difficulty that I could walk. I consulted several physicians, and tried every remedy of which I could hear, but experienced very little, if any, relief and became quite discouraged. One day I chanced to meet a friend who recommended Tuttle's Elixir, and advised me to try it. I did so and have used three bottles of it. My pain and lameness is all gone, and feel that I am myself once more, and I heartily recommend Tuttle's Elixir to all who are afflicted with rheumatism.' * * * 'You asked me to write after using the Family Elixir on myself two weeks. In reply, it affords me much pleasure to inform you that I am much improved. I feel

rejoiced in making such an improvement in so short a time, after spending hundreds of dollars for medical aid, besides being informed that my case was incurable. I am using the medicine both internally and externally, according to your directions. In short, I am beginning to feel natural, like I did in my boyhood days.' * * * 'I had a very bad attack of rheumatism last August, and after using only one bottle of your Elixir I was immediately relieved. I can heartily recommend your remedy to any one suffering from rheumatism.' * * * 'It affords me great pleasure to inform you that I have used your Elixir for rheumatism when I have been confined to my bed, unable to be moved, and suffered intense pain. After quite a period I was advised to try your Elixir for same, and called my doctor's attention to the fact. He said I might as well rub it on a post as to rub it on myself—the results would be the same. Nevertheless, I bought a bottle of it and in three days was able to be out, and I have now recommended it to my friends and neighbors who would not be without it in their houses.' * * * 'I have been suffering for nearly fifteen years from neuralgia in the head, and have tried various medicines for same, but have always had no results to speak of as being good ones. Finally I tried your Elixir, and it affords me great pleasure to say that the benefit that I received from it was astonishing to me. I have used several bottles of it and am now entirely cured.' * * * 'Allow me to tell a big story in regard to your Elixir. When you told me the other day that if I would call and get a bottle and use it for one day, if I was not cured you would give me \$100. I thought to have some sport with you, but I will now testify, very much to my surprise, that the rheumatism has all gone from my ankles, and I was able to walk as usual. I am sorry to lose the one hundred dollars, but glad to be well again.' * * * 'I have been confined to my bed by rheumatism, and was unable to attend to my duties, which were to take charge of a department in the machine shop, and was likely to lose my situation through my absence. After two months' illness, I was advised by a friend to try your Elixir. I did so. It relieved me after the first application. I was able the next day to go out, and have never lost a day's work since, and am now entirely well.' * * * 'I have been a sufferer from rheumatics and all joint complaints for over fifteen years. My friends pitied me, for I had tried all the doctors around us, but could not find any relief. After my last attack I could not raise my head from my pillow without taking my hands to raise it. During the day I got so I could move about, and I met a friend who said: "Robert, you do look bad. My brother's son, Lewis, has sent him some medicine from New York, and brother John died before it reached him. The directions say it is good for all complaints, and I am going to ask my sister-in-law to give me one of the bottles for you." She did so. I then read your directions on the box, and tried it on going to bed that night, in which I found a great relief, and on the third day I was a different man. I then sent and bought the other three bottles, but have only used one more, making two bottles, and to-day I consider myself a well man. I also recommended it to all my friends around, and was forced to give the balance of the medicine to others who have been suffering, also, and who are quite well to-day.' * * * my wife, who was suffering severely with rheumatism or neuralgia in her back and head, and was unable to sleep, and was getting in a bad state. From the first application by rubbing the pain began to leave, and she had a good, sound sleep. Also a gargle of the Elixir relieved her of a sore throat.' * * * 'Happening to see me one day, and noticing a big bunch or bunion on the first joint of the first finger of my right hand, caused by the long use of the blacksmith's hammer, your agent, Mr. John R. Lockwood, persuaded me to try your Elixir on it. This I was willing to do, as the bunion was sore and very troublesome, and getting more so; but I was surprised to find that one bottle removed the bunion entirely.' * * * Gives Relief From Pain. * * * For Pains, Lameness, Stiff Joints, * * * Sore Throat. * * * Read These Testimonials Directions For Using * * * Lameness and Joint Affections: Rub the parts freely with the Elixir, * * * Take ten to twenty-five drops before each meal, * * * Sore Throat: Bathe the throat with full strength Elixir. Gargle often with a solution of the Elixir made by one part Elixir to six parts of water. * * * Cholera Morbus: * * * Caked Breasts: * * * Lame Back: * * * Asthma: * * * Croup: * * * Sick Headache: * * * Coughs: * * * An Ordinary Headache: * * * 'For seventeen years I experimented continuously with doctors and remedies in a vain attempt to find something which would relieve the pains in my chest, which tortured me day and night. At the end of that time I tried your Elixir. The very first appli-

cation by means of hot flannel cloths, gave me my first real relief. Since then I have used it with increasing benefit and satisfaction * * * recommended.' * * * The gout came on very suddenly while at business. I met a friend who recommended Tuttle's Elixir, and I bought a bottle, and after using it for three days I was back in the city, ready for business again.' * * * 'I wish to add my testimonial to your list, in commendation of your Family Elixir for rheumatism. I was so badly off that I feared being a cripple. My limbs and joints were badly swollen, and very painful, and it was with difficulty that I could get about, when Mr. Barrows of Jamaica * * * asked me to accept and try a bottle of your Family Elixir. I tried it according to directions for three days, and at the end of that time there was such improvement that I was amazed. I have only used about two-thirds of a bottle, and am entirely rid of pain and lameness.' * * * 'My wife had the rheumatism so badly that she could hardly walk around the floor, and my daughter advised me to get a bottle of Tuttle's Family Elixir, which I did. I used it according to directions, and she got relief almost immediately. In a week or ten days the rheumatism had wholly disappeared, and I consider it one of the best household remedies which is on the market.' * * * What it has done for others it will do for you * * * 'Tuttle's Elixir has proved very beneficial to members of my family in cases of colic and indigestion. Also to apply externally for lameness and neuralgia. I can recommend it highly.' * * * 'I had a very severe attack of inflammatory rheumatism about four months ago, and was under best medical attendance for over a month, but I did not seem to get any relief. Having used three bottles of Tuttle's Family Elixir, I received not only relief, but believe I am permanently cured.' * * * 'I have suffered with neuralgia for years, and could find nothing to relieve me. The powerful applications I used even caused my hair to fall out on both sides. I was advised to use your Elixir, which I did, and to my great surprise it not only stopped the pain, but has also caused the hair to grow again.' * * * 'I had an attack of rheumatism last June. Could not get out of bed. It was in my knee joints. I used your Elixir and was cured in six days. Have not had an attack since. Also, has proved a valuable remedy for swollen joints and chilblains.'

On July 11, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19511. Misbranding of Alkavis. U. S. v. 12 Bottles of Alkavis. Default decree of destruction entered. (F. & D. No. 27300. I. S. No. 45783. S. No. 5438.)

Examination of a drug product, known as Alkavis, from the shipments herein described disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle and carton labels.

On November 27, 1931, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 bottles of the said Alkavis, remaining in the original packages at Birmingham, Ala., alleging that the article had been shipped by the McCullough Drug Co., Lawrenceburg, Ind., in part on or about August 29, 1930, and in part on or about February 11, 1931, and had been transported from the State of Indiana into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium nitrate, salicylic acid, extracts of plant drugs, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle and carton) "For Kidneys, Liver and Urinary Organs and Blood Impurities Due to Defective Action of the Kidneys, and Rheumatism;" (carton only) "For Rheumatism * * * for the Kidneys, Liver and Urinary Organs."

On June 11, 1932, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19512. Misbranding of Nitro-Methol aseptic. U. S. v. Thirty-one 4-Ounce Bottles, et al., of Nitro-Methol Aseptic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27230. I. S. Nos. 37008, 37009. S. No. 5398.)

Examination of a drug product, known as Nitro-Methol aseptic, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it on the carton and bottle labels. The label of the article failed to bear a statement of the quantity or proportion of ethyl nitrite, an alcohol derivative, contained in the article. The label also failed to bear a statement of the quantity of alcohol contained in the article, since the carton bore no statement, and the declaration on the bottle label was extremely inconspicuous.

On December 11, 1931, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of thirty-one 4-ounce bottles and nineteen 8-ounce bottles of Nitro-Methol aseptic at Dallas, Tex., alleging that the article had been shipped by the Denver Mud Chemical Co., from Kansas City, Mo., on or about September 21, 1931, and had been transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of ethyl nitrite (1 gram per 100 milliliters), alcohol (by volume 58 per cent), and small proportions of aldehydes and volatile oils including menthol and thymol.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and carton were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed: (Bottle) "Used for Skin Trouble, Barber's Itch, * * * Eczema, Pyorrhoea, Looseness of Teeth * * * Tetter, * * * Pimples, * * * Sore Gums, * * * especially successful in the treatment of Leucorrhoea and all mucus discharges * * * for Skin Diseases For the Treatment of Eczema and the Skin;" (carton) "For the Treatment of Eczema and the Skin * * * For the treatment of all skin eruptions from any cause. Eczema, Barber's Itch * * * Tetter, * * * Pimples, * * * Erysipelas, Pyorrhoea, Looseness of the Teeth, Sore Gums, * * * For Female Trouble * * * For Pyorrhoea, Sore Gums and Looseness of the Teeth, apply with the fingers on the gums and sprinkle a small amount on the tooth brush once or twice a day." Misbranding was alleged for the further reason that the article contained alcohol and ethyl nitrite, a derivative of alcohol, and the label failed to bear a statement of the proportion of alcohol or the proportion of ethyl nitrite contained in the article.

On June 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19513. Misbranding of Breeden's rheumatic compound. U. S. v. 72 Bottles of Breeden's Rheumatic Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27100. I. S. No. 36801. S. No. 5277.)

Examination of a drug product, known as Breeden's rheumatic compound, involved in this action disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the bottle and carton labels and in a circular shipped with the article.

On or about December 11, 1931, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 72 bottles of the said Breeden's rheumatic compound at Dallas, Tex., alleging that the article had been shipped by the Parker-Blake Co., from New Orleans, La., on or about March 16, 1931, and had been transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide (1.3 grams per 100 milliliters), extracts of plant drugs, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the bottle label and carton and in the circular

were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed: (Bottle) "Rheumatic Compound * * * Rheumatism * * * Direction: * * * until it acts freely on the Liver, then reduce dose to suit the system if according to directions it acts too freely;" (carton) "Rheumatic Compound for Rheumatism;" (circular) "Rheumatic Compound. We recommend it for Rheumatism. If you have Rheumatism use * * * Rheumatic Compound. This medicine has been tested for years, and the praise which it has received from the trade, and the good results of its use by sufferers from the disease of Rheumatism cause us, the manufacturers, to unhesitatingly recommend it. We believe we have made it as perfect a preparation for the relief of Rheumatism as it is possible for us to do."

On June 17, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19514. Adulteration and misbranding of granulated malva leaves. U. S. v. Approximately One-Half Barrel of Granulated Malva Leaves. Default decree of destruction entered. (F. & D. No. 27942. I. S. No. 53535. S. No. 5990.)

Analysis of a sample of a product, represented to be granulated malva leaves, from the shipment herein described showed that the product did not consist solely of malva leaves, since it contained 0.073 per cent of alkaloid including atropine, indicating that it consisted in part of a mydriatic drug such as belladonna.

On or about March 23, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of approximately one-half barrel of granulated malva leaves at Columbus, Ohio, alleging that the article had been shipped by S. B. Penick & Co., Weehawken, N. J., on or about May 19, 1931, and had been transported from the State of New Jersey into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, viz, "Malva Leaves," since it did not consist solely of malva leaves, but contained a mydriatic drug.

Misbranding was alleged for the reason that the statement "Malva Leaves," appearing in the labeling, was false and misleading when applied to an article that did not consist solely of malva leaves.

On May 10, 1932, no claimant having appeared for the property, judgment was entered finding that the product was adulterated and misbranded and liable to condemnation, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19515. Misbranding of Brooten's Kelpor. U. S. v. Pleas A. Tucker. Plea of guilty. Fine, \$25. (F. & D. No. 27508. I. S. Nos. 22269, 22270.)

This action involved two interstate shipments of a drug product, known as Brooten's Kelpor, the labeling of which bore statements representing that it possessed curative and therapeutic properties which examination showed it did not possess. The article was represented to be a natural food, whereas it had no food value.

On March 17, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Pleas A. Tucker, Portland, Oreg., alleging shipment by said defendant in violation of the food and drugs act, as amended, on or about September 6, 1930, and March 14, 1931, from the State of Oregon into the State of Washington, of quantities of the said Brooten's Kelpor which was misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral matter, chiefly aluminum silicate and iron oxide, with small proportions of other iron and magnesium compounds including sulphates and phosphates, and traces of calcium compounds and sulphur.

It was alleged in the information that the article was misbranded in that the statement "The natural food" was false and misleading, since the article contained no ingredient of value as a food. Misbranding was alleged for the further reason that certain statements, designs and devices regarding the therapeutic and curative effects of the article, appearing in the circular shipped therewith, falsely and fraudulently represented that it was effective as a healing power; effective to preserve and increase vitality and health; effective to rebuild famished and broken-down tissue; effective to add to the blood stream the life-giving tissue foods and salts required; effective to neutralize the excess acids and to make possible their assimilation by the body cells and tissues; effective as a treatment of inestimable value where the digestive and eliminative organs are at fault; effective as an aid to sufferers from diabetes and rheumatic and renal conditions; effective as a corrective to an unsatisfactory condition of the system and eliminative organs; effective as a treatment, remedy, and cure for sugar diabetes and infection, anemic condition, swollen legs, swollen groins, ulcer of the stomach, rheumatism, stomach disorders, pain in the side, bladder trouble, severe womb trouble, skin diseases, pains in back; whereas the article contained no ingredients or medicinal agents effective for the said purposes.

On June 16, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19516. Misbranding of Hepatona. U. S. v. 30 Bottles of Hepatona. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26459. I. S. No. 5783. S. No. 4748.)

Examination of a drug product, known as Hepatona, from the shipment herein described having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On June 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 bottles of Hepatona at San Juan, P. R., alleging that the article had been shipped on or about May 2, 1931, by Yglesias & Co. (Inc.), New York, N. Y., to San Juan, P. R., and that it was being sold and offered for sale in Puerto Rico by the Drug Co. of Puerto Rico (Inc.), and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium phosphate, sodium bicarbonate, potassium bitartrate, a lithium salt, citric acid, and phenolphthalein.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Hepatona * * * Hepatic Stimulant, Colagogue and Eliminator of Uric Acid;" (circular) "Hepatic Stimulant * * * it exercises a stimulative action over the hepatic cells and is efficacious even in smaller doses * * * regularizes the action of the intestines, * * * It is a smooth and efficacious hepatic stimulant. Prominent authorities consider it the best remedy for cirrhosis of the liver * * * is a powerful eliminating agent in toxic conditions. * * * thus obtaining its stimulative action over the liver without the necessity of administering large doses. * * * the preferred eliminator for innumerable conditions where the clearing of the system from katabolic products and the removal of toxic materials from the blood is desired. * * * It is also of great help for the treatment of disorders of the kidneys; it eliminates the toxic substances from the alimentary canal, thus relieving them from the work of expelling those toxic products. This allows the kidneys to rest and to recover their normal functions. * * * In the treatment of the diseases of the skin of any origin, the necessity of keeping the blood free from these toxic products has been acknowledged."

On July 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19517. Misbranding of Hepatona. U. S. v. 24 Bottles of Hepatona. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26458. I. S. No. 5782. S. No. 4748.)

Examination of a drug product, known as Hepatona, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the District of Puerto Rico.

On June 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 bottles of Hepatona at San Juan, P. R., alleging that the article had been shipped on or about April 7, 1931, by H. K. Mulford & Co., New York, N. Y., to San Juan, P. R., and that it was being sold and offered for sale in Puerto Rico by J. M. Blanco (Inc.), San Juan, P. R., and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article, by this department showed that it consisted essentially of sodium phosphate, sodium bicarbonate, potassium bitartrate, a lithium salt, citric acid, and phenolphthalein.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Hepatona * * * Hepatic Stimulant, Colagogue and Eliminator of Uric Acid;" (circular) "Hepatic Stimulant * * * it exercises a stimulative action over the hepatic cells and is efficacious even in smaller doses * * * regularizes the action of the intestines, * * * It is a smooth and efficacious hepatic stimulant. Prominent authorities consider it the best remedy for cirrhosis of the liver * * * is a powerful eliminating agent in toxic conditions. * * * thus obtaining its stimulative action over the liver without the necessity of administering large doses. * * * the preferred eliminator for innumerable conditions where the clearing of the system from katabolic products and the removal of toxic materials from the blood is desired. * * * It is also of great help for the treatment of disorders of the kidneys; it eliminates the toxic substances from the alimentary canal, thus relieving them from the work of expelling those toxic products. This allows the kidneys to rest and to recover their natural functions. * * * In the treatment of the diseases of the skin of any origin, the necessity of keeping the blood free from these toxic products has been acknowledged."

On July 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19518. Misbranding of Fosfatol tonic. U. S. v. 69 Bottles of Fosfatol Tonic. Default decree of condemnation and destruction. (F. & D. No. 22851. I. S. No. 22474-X. S. No. 864.)

Examination of a drug product, known as Fosfatol tonic, from the shipment herein described, having disclosed no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for the article in the labeling, the Secretary of Agriculture reported the matter to the United States attorney for the District of Arizona.

On December 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 69 bottles of Fosfatol tonic at Tucson, Ariz., alleging that the article had been shipped by the Vitagenol Medicine Co., from El Paso, Tex., on or about May 4, 1928, and had been transported from the State of Texas into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of compounds of sodium and calcium, strychnine, phosphates, alcohol (10 per cent by volume), glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) "Fosfatol Tonic and Reconstructive Nutritive and Restorative. The presence of phosphorus in the nervous system and in the bones is absolutely indispensable to all living beings. When this substance does not exist in sufficient

quantities, not only cerebral or nervous disorders are produced, but the lack of it causes multiple effects and a great number of diseases appear, as there is no part of the body which is not subject to the action of the nerves. In order that the medicinal administration of Phosphorus may be really effective and beneficial it is necessary that it be given in the form of food to the tissues needing it. 'Fosfatol' contains the proper elements, forming all nervous structures—Glycerophosphates and Lecithin—prepared in such a form that they are easily assimilated by the parts of the body needing them. Glycerophosphates and Lecithin are not only nervous stimulants but are pure and nutritious food to the nervous tissues, giving to the system the elements that are indispensable for its strength and health in such form that they are easily assimilated. Glycerophosphates also contain some of the mineral constituents of the blood and bones, which assist nutrition in general and specially enrich the cells of the blood. Lecithin, being the principal Brain and nerve food, is furnished to the body by means of the more nutritious foods, such as: eggs, oysters, fish, etc. One of the accomplishments of modern medical science has been the extraction of Lecithin from the foods containing it. * * * Fosfatol, in addition, contains Strychnine which has been considered since ancient times one of the most effective and powerful stimulants of appetite and of the muscular tissue of the intestines, which helps digestion and also assimilation in general; it is at the same time, one of the most powerful tonics of the nervous system, as well as of the brain, the nerves of the peripharia and the spinal cord. * * * Fosfatol is of a very great help in the treatment of anemia, chlorosis, rickets, and in any other condition in which the Blood, the Brain, the Nerves, the Bones, the Limphatic Glands or the Skin show the results of a lack of phosphorus. In Prostration, Exhaustion and Nervous Irritability, whatever the cause, but specially due to mental or physical work, worry or continued exposure to heat or cold. This valuable tonic is also prescribed for disease of the bones, such as the rickets in children, as it stimulates the growth of the bones and also the mending of fractures. It is very useful for pregnancy, or lactation as it helps in the development of the child, before its birth and after it, as it increases the quantity and richness of the mother's milk. 'Fosfatol' stimulates appetite and aids digestion, making the food more easily assimilated by the body, thus necessarily increasing the amount of cells in the blood and consequently increasing the general strength of the body. Its use is of great value to convalescents of any disease, such as: fevers, pneumonia, influenza, the last one, being such a common disease which may re-appear several times and which causes great exhaustion in the body no matter how light the attack and also leaves the body subject to tuberculosis; hemorrhage, either nasal, menstrual, or caused by childbirth or loss of blood of any origin whatever, such as wounds, surgical operations or in the slow and silent alteration of blood, as in syphilis, scrofula and continued discharge or supuration. It is of great benefit to convalescents of continued or chronic diseases of the stomach, bowels, liver and kidneys, which on account of the long and strict diet required, they greatly decrease the body reserves and thereby weaken the system. In general, this tonic is of well-known and proven benefit in all cases of exhaustion and weakness of the system, no matter what their origin may be, * * * this preparation can be taken with advantage by healthy persons as an appetite stimulant and general strength restorative and also against the exhaustion produced by muscular or intellectual work. * * * Vitagenol."

On June 29, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19519. Misbranding of Parker's stock powder. U. S. v. 16 Sacks of Parker's Stock Powder. Default decree of destruction entered.
(F. & D. No. 28233. I. S. No. 50807. S. No. 6086.)

Examination of a drug product, known as Parker's stock powder, from the shipment herein described showed that the article would not produce certain curative and therapeutic effects claimed for it in the circular shipped with the article.

On April 27, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 sacks of Parker's stock powder, remaining

in the original unbroken packages at St. Joseph, Mo., alleging that the article had been shipped by the Parker Homestead Co., Shenandoah, Iowa, on or about February 5, 1932, and had been transported from the State of Iowa into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium sulphate with small proportions of sodium bicarbonate, sulphur, sodium thiosulphate, charcoal, and chenopodium.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular in each sack) "Feeding the powder mixed in grain as a * * * wormer. The powder should be fed as a * * * preventive to keep your hogs in good shape. That is easier and more profitable than attempting to treat them after they get sick. * * * helping prevent loss. * * * Special Directions for Necro or Enteritis, Worms, White Scours, Etc. * * * when you are treating for worms or other ailments. * * * But in treating for worms or other hog troubles it is much better to hand feed the powder to secure accurate dosage. Cholera There is no dependable treatment for hogs sick with cholera. Prevention is the only safe remedy. Methods of prevention include * * * the regular use of a good condition powder to help build up vitality and disease resistance. * * * Hog Flu Symptoms—Complete loss of appetite and prostration of a large number of the herd. Thumping or spasmodic breathing, eyes red and swollen or weeping, violent coughing when the hogs are moved. High temperatures of 104 to 108 dropping later to around 103. Rapid loss of weight. Treatment—Disturb as little as possible, feed very light using powder regularly to relieve fever and constipation. * * * While the regular use of powder will not prevent flu it will generally help the hogs go thru an attack much more quickly and easier and without the usual loss of weight. Worms Symptoms—In the case of intestinal worms, the pigs become generally unthrifty, have rough coats of hair and are pot bellied. Impaired digestion and irritation of the intestinal lining may lead to scouring, or in some cases constipation, and interfere with the proper absorption of feed. Infestation of the lungs by worms is indicated by a wheezing cough or breathing or may lead to bronchitis, causing a deep husky cough. There is no fever as in cholera, flu and other diseases. Very often other ailments may be mistaken for worms and the herd appear to be wormy when it is fairly free of worms or only a few head much affected. This is often true after any disease resulting in much fever. The pigs may look pretty bad but will seldom be very wormy following an attack of fever. Treatment—Worms must be treated for on an empty stomach, so first skip one feed. The next feeding mix one-half dose of Parker's Stock Powder with dampened whole oats (not soaked overnight). Do not feed again for 12 hours—then give them a full dose of the powder in dampened whole oats. Two days later skip one more feed and then follow with another full dose of powder fed the same way. * * * In bad cases of worms where quicker results are desired thru the use of worm oil or capsules, it is a good plan to give a full dose of Parker's Stock Powder 6 to 8 hours after the worm treatment. Necro or Enteritis Symptoms—Appetite good for a while, usually a great deal of scouring. Later the appetite is impaired and the pigs become very thin and gaunt. Skin is dry and scurfy but there are no red spots on the skin as in cholera. Seldom affects hogs of 100 lbs. or over. No fever. Post Mortem—Inner lining of the small intestine is inflamed and thickened, with dead patches that are ready to slough off. These lesions are not elevated like cholera ulcers and are not confined to any particular section of the intestines. Intestinal ulcers in cholera cases are usually near the place where the large and small intestines join. Treatment—* * * Mix in a light dose of the powder daily, or even twice a day is better, using one-fourth to one-third of the regular dose in each feed. * * * The length of the treatment will depend on the time the disease has run before the treatment is started. If started in the early stages a few days may be sufficient. Or if the disease has run for some time it may take as long as a month of steady treatment. * * * White Scours in Pigs Symptoms—A pasty gray or slate colored diarrhea in young pigs mostly occurring within the first 10 days but sometimes up to six weeks old. Later the discharge becomes more watery and has a very disagreeable odor. The pigs show signs of pain, lose appetite, rapidly become thin and

weak and die of exhaustion. Treatment—The cause is some disturbance, usually an acid condition in the sow's milk. Give the sow the regular dose of powder for brood sows, and if necessary follow this with another dose of powder the next day. This treatment should relieve the trouble in 24 to 48 hours. Thumps Symptoms—A jerking of the diaphragm in young pigs, similar to hiccoughs, the flanks drawing in and the chest walls out at each jerk. This is caused by overfeeding or lack of exercise and should not be confused with thumps in larger hogs caused by cold or flu. Treatment—Feed light with a little powder every other day until relieved. * * * Bull Nose—Nectoric Rhinitis Symptoms—Lumps or swellings on the head, particularly the snout. Repeated sneezing often with a bloody discharge from the nose, poor appetite. Treatment—* * * This is generally considered to be caused by the same germ that causes Necro or Enteritis, affecting the intestines. The powder should be fed the same as in a case of Enteritis until the condition of the pigs warrant less frequent doses. Paralysis of the Hind Quarters Symptoms—Most common in sows being nursed heavily unless it is caused by improper feeding or injuries. At first the only symptom is an unsteady, wobbling walk or slow, clumsy turning of the body. Later the hind quarters are dragged. Impaired appetite and constipation are common symptoms. Treatment—Feed powder regularly to relieve constipation and give a light diet such as ground wheat, bran and milk. * * * Rickets Symptoms—General weakness and loss of appetite. The pigs begin walking stilted or lame. There is some deformity of the legs and later the leg bones become bowed or enlarged, particularly at the joints. The pigs lose weight and become severely stunted. Treatment—* * * As digestion is always disturbed, in a case of rickets, the powder should be fed regularly twice a week until this trouble is relieved. Note We want to emphasize again the importance of feeding the powder regularly. When there is any failure to get results the most common cause is that too little of the powder has been fed or that it has not been used as often as directed. Also study the directions as it will not get the best results to use the powder once a week as a condition when special treatment is needed as in cases of enteritis or worms. * * * Horses—* * * In case of colic mix a pint of powder in a quart of hot water and drench. * * * If the first dose is not sufficient repeat in one hour."

On June 10, 1932, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19520. Misbranding of Dr. Goodwin's silkweed herbal compound. U. S. v. 86 Packages of Dr. Goodwin's Silkweed Herbal Compound. Default decree of condemnation and destruction. (F. & D. No. 27715. I. S. No. 44455. S. No. 5795.)

Examination of a drug product, known as Dr. Goodwin's silkweed herbal compound, from the shipment herein described disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it in the labeling.

On February 5, 1932, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 86 packages of Dr. Goodwin's silkweed herbal compound, remaining in the original unbroken packages at Fort Smith, Ark., alleging that the article had been shipped by Dr. F. A. Goodwin, Chicago, Ill., on or about October 12, 1931, and had been transported from the State of Illinois into the State of Arkansas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs, including a laxative drug such as senna, a resinous drug such as scammony, and an aromatic drug such as fennel, and inorganic material such as calcium carbonate and sodium carbonate or bicarbonate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Package) "Recommend this medicine in treatment of Stomach, Liver, Kidneys, Blood, Bladder, Rheumatism, Malaria, Chills and Fever."

On June 13, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19521. Misbranding of Wallingford's garget cure. U. S. v. 34 Bottles of Wallingford's Garget Cure. Default decree of condemnation, forfeiture, and destruction. (9528-A. F. & D. No. 28341.)

Examination of a drug product, known as Wallingford's garget cure, involved in this action disclosed no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle label and carton and in a circular shipped with the article.

On May 23, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 bottles of the said Wallingford's garget cure, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Victor E. Cox, from Portland, Me., on or about May 3, 1932, and had been transported from the State of Maine into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium iodide (6.5 grams per 100 milliliters), glycerin, and water.

It was alleged in the libel that the article was misbranded in that certain statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed. The said statements were annexed to the libel and made a part thereof, and were as follows: (Bottle label) "Garget Cure;" (carton) "Garget Cure For the Prevention and Cure of Garget in Cattle * * * One Dose given to a cow every month will prevent Garget. * * * This bottle contains three doses and is sufficient for the cure of any case of Garget in cattle. See references on circular;" (circular) "Garget Cure For The Cure And Prevention Of Garget In Cattle. * * * The symptoms of Garget In Cows are: tightness of the skin, swelling of the udder, stringy or bloody milk, a dullness about the eyes, stiff joints, general languor and debility; and the cause is cold, improper food, uncleanness, being kept for a long time on hay only, and a variety of other causes. When the Epizootic was having its run all over the country, I dispensed quantities of Horse Medicines, and since that time I have given much attention and study to the diseases of horses and cattle. In the spring of 1872, a gentleman of this town had a valuable cow attacked with garget. The animal became very poor, was stiff in the joints, hide bound, refused food, and he thought he should lose her. After trying all the common remedies without effect, he came to me for medicine. I gave him Garget Cure, with directions how to use it, and in 48 hours the cow was entirely rid of the disease; dullness about the eyes disappeared, and the animal rapidly recovered. This gentleman had a brother, living in a neighboring town, who owns a fine herd of cows; one of these had garget, and I sent him a bottle of the Garget Cure, with the same result. The cure of the cow immediately followed. Others in that vicinity ordered it, and gave it with the same remarkable success. Soon I began to have orders from Wells, Sanford, and other towns in this vicinity, and, being anxious to know if it kept up its reputation, I have inquired of almost every one who used it, and they have invariably told me that it cured their cows immediately. The following named gentlemen are a few who have used the Garget Cure: * * * I am now having so many orders for this Garget Cure that I have concluded to put it up in bottles of three doses each (enough to cure any case of Garget), and introduce it to the public, hoping that it may be the means of saving many valuable cows. Who would not be willing to pay the price of a bottle of this Medicine (50 cents) rather than dose a sick cow two or three weeks with garget root or herb tea; or roweling, which is a troublesome matter; or even employing a cow doctor, who pretends to know all about sick cattle and don't know anything, and, after she is dead and buried, brings in a bill, 'For doctoring your cow till she died, Five Dollars,' when two or three doses of this preparation, one dose given every 24 hours in a little meal or other feed, will cure her. It is seldom necessary to give the three doses, as one or two are generally sufficient to perfect a cure, unless in very obstinate cases. One dose given every month will positively Prevent any cow ever

having the garget—and it is well to keep it on hand and give a dose occasionally. Those who keep a herd of valuable cows, need not be afraid to give it according to directions, as it is an entirely safe, although powerful remedy. In my experience as a Druggist, I see many Proprietary Medicines recommended for cure of all kinds of diseases—no matter if the diseases are entirely opposite in character, they cure everything. This Medicine is Not Recommended for All Diseases of Cattle. Garget It Will Cure, Surely And Speedily! * * * Each bottle is sufficient for cure of one animal. * * * Directions For Giving The Garget Cure. * * * Special Directions.—When the udder or teats are swollen, or bunches appear on the bag, rub the bag or teats with the Garget Cure diluted with water, twice a day, and in two or three days the bunches or swelling will disappear. * * * [Testimonials appearing in circular] ‘Gents:—I had a cow that had the Garget; would have sold her for five dollars. I used one bottle of Wallingford’s Garget Cure and seventy-five dollars would not buy her; the cow is now well.’ * * * ‘I can most fully recommend Wallingford’s Garget Cure, as I have known several instances where it has performed cures in bad cases, even when cows have given bloody milk, and almost lost the use of one teat.’ * * * ‘Wallingford’s Garget Cure. I have sold it and find it all it claims to be: sure cure.’ * * * ‘I had a cow whose bag was swelled bad; gave milk from two teats only. Used Wallingford’s Garget Cure, and two doses cured her; have had no trouble since.’ * * * ‘He says two doses cured her, and she had it “the worst kind.”’ * * * ‘I have a valuable heifer that was taken with Garget last June. I tried every remedy that I could think of; one night she was down in the pasture and could not get up. I gave her one dose of the Garget Cure, and instead of finding her dead, as I expected to in the morning, she was up and feeding. I gave her the remainder of the bottle, and she was well in four days.’”

On June 16, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19522. Adulteration and misbranding of malva. U. S. v. 165 Dozen Bottles, et al., of Malva. Default decrees of destruction entered. (F. & D. No. 28010. I. S. Nos. 51242, 51243. S. Nos. 6041, 6042.)

The drug product malva involved in this action was labeled as containing pepsin. Analysis of the article showed that it contained no active pepsin. The circular shipped with the article contained unwarranted curative and therapeutic claims.

On April 15 and April 16, 1932, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 214 dozen bottles of the said malva, in part at Greenville, S. C., and in part at Anderson, S. C., alleging that the article had been shipped by the Malva Medicine Co., from Columbus, Ohio, the former on or about February 17, 1932, and the latter on or about March 10, 1932, and had been transported from the State of Ohio into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis by this department of a sample of the article taken from the consignment at Greenville, S. C., showed that it consisted essentially of extracts of plant drugs including laxative drugs such as cascara sagrada and a mydriatic drug such as belladonna, alcohol, sugar, and water. The article contained no pepsin. Analysis of a sample taken from the consignment at Anderson, S. C., showed a similar composition, except that no mydriatic drug was present.

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, “Malva * * * containing * * * Pepsin.”

Misbranding was alleged for the reason that the statement in the circular, “Malva * * * containing * * * Pepsin,” was false and misleading. Misbranding was alleged for the further reason that the following statements, appearing in exhibits attached to and made a part of the libels, regarding the curative or therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Circular) “Malva has, on many occasions had an almost immediate effect. At times its reaction has been noted after the very first bottle has been taken. * * * a medicine like Malva cannot be expected to

accomplish completely what it sets out to do, unless the recommended amount is taken diligently. * * * You should take the full five bottle treatment to gain the entire benefit * * * Dear Friend: Perfect health Is a blessing: As much a blessing as it is however, it is coming to each and every one of us. There are not certain people picked out to enjoy perfect health, and others selected to bear all of the grief in the world. You should feel well all the time. You should be able to eat the things you like, in reasonable quantities, even to excess occasionally, without causing yourself any undue discomfort. You should be able to do a good hard day's work, eat a hearty meal, and sit down and be comfortable, or join in your family's or friend's activities with all of the life and spirit that they have. You should be able to climb stairs, or lift a heavy load occasionally without having to suffer sharp pains in your back, stomach or elsewhere. A night's sleep should have the same restful effect on you today as when you were a child. Each morning should find you full of vigor and good nature—your body tingling with the goodness of life and the happiness of a healthful existence. And, you should enjoy your sleep. From the moment your head touches the pillow to the moment it is time to be up and about your duties, your sleep should be undisturbed, refreshing and nursing to your body. You should be youthful In Every Way, much longer than is the present day average. When you do not enjoy perfect health, it is most times your own fault. You hold your health and happiness in your own hands. Nature has set down certain reasonable rules for you to follow. These rules do not prohibit your enjoyment of life, even to excess sometimes. But a repeated transgression of these laws is always fatal. Very often you are not conscious that you are breaking Nature's laws. But, in the end, when you least expect it, you must pay the price. As strict as Nature is in exacting her fines, however, her mercy is shown in the marvelous aids she has given us to keep perfect health in spite of our mistakes—the roots and herbs and other medicines she gives freely from her bosom that we might temper our excess likes and dislikes, return our bodies to normalcy, and be fully happy and healthy once again. Indeed: Perfect health Is a blessing and it is probably coming to you just as much as to anyone else in the world. * * * most of our ailments can be traced to a disordered stomach; and the disordered stomach to the things we eat, the way we eat them, and the quantities we eat of them * * * An unbalanced diet causes a disorderly condition in the stomach many times. Often the bowels are affected, and the organs of the stomach. Gases form. Constipation sets in. Pains are felt in the back and the stomach. Headaches result, followed by dizziness, heart palpitation and many other ailments. Often the gases work their way out through the skin in the form of blotches, pimples, boils, rashes and other skin diseases. The system often becomes rundown. Nerves are sometimes affected. The ailing person becomes sluggish, under such conditions, and eternally tired. No ambition. Nerves on edge. In many cases these people despair of ever getting well. Their outlook on life is miserable. Malva, containing the juices of the leaves of the precious Malva herb, Pepsin, Cascara Sagrada, Burdock, Senna and other splendid ingredients, acts with the digestive juices of the stomach, which aid in regulating the bowels and disposing of eliminative refuse collected in the stomach. It helps to relieve gnawing pains and harmful conditions resulting from faulty assimilation. When such conditions are corrected your appetite will increase and you will be able to eat what you like without fear. Malva * * * assists in restoring lost vitality and building up strength in many cases. * * * Directions To Obtain The Best Results From The Use Of Malva, it should be taken regularly and persistently and in accurate doses."

On June 24, 1932, no claimant having appeared for the property, the court ruled that the Government was entitled to the relief prayed for and ordered the issuance of writs of destruction. On June 27, 1932, orders were entered directing the United States marshal to destroy the goods.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19523. Adulteration and misbranding of fluidextract of ergot. U. S. v. 1 Gallon of Fluidextract Ergot. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27982. I. S. No. 48780. S. No. 6030.)

The fluidextract of ergot involved in this action was represented to be a pharmacopoeial product. Examination showed that it had a potency of about one-third the requirements of the United States Pharmacopoeia for fluidextract of ergot. The article, because of its low potency, would not produce certain curative and therapeutic effects claimed for it in the labeling.

On April 5, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 gallon of the said fluidextract of ergot, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the American Pharmaceutical Co. (Inc.), New York, N. Y., on or about February 5, 1932, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Fluid Extract Ergot U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot U. S. P.," was false and misleading. Misbranding was alleged for the further reason that the following statements appearing on the label, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since the article in the dose stated on the label would not produce the effects claimed: "Action—A powerful stimulant of involuntary muscles especially those of the uterus. Uses—Checks postpartum hemorrhage by contracting the uterus. As a routine prophylactic measure against postpartum hemorrhage. For the relief of menorrhagia, metrorrhagia, some forms of dysmenorrhea and atonic conditions of the reproductive organs. Also as a circulatory stimulant. Dose Average U. S. P.—30 minims (2 cc.)."

On June 13, 1932, no claimant having appeared for the property judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19524. Misbranding of Dr. Link's Golden tonic. U. S. v. Joe W. Link, Charles P. Link, and Lizzie R. Link (Dr. W. A. Link Medicine Co.). Pleas of guilty. Fine, \$150. (F. & D. No. 27452. I. S. No. 18476.)

Examination of Dr. Link's Golden tonic showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed for it on the bottle label and carton, and in a circular inclosed in the carton.

On December 30, 1931, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Joe W. Link, Charles P. Link, and Lizzie R. Link, copartners, trading as Dr. W. A. Link Medicine Co., Dallas, Tex., alleging shipment by said defendants, on or about November 20, 1930, from the State of Texas into the State of Louisiana, of a quantity of Dr. Link's Golden tonic that was misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of Epsom salt, potassium citrate, ferric sulphate, nitric acid, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the curative and therapeutic effects of the article, appearing on the bottle label and carton and in the circular, falsely and fraudulently represented that it was effective, among other things, as a treatment, remedy, and cure for indigestion, biliousness, kidney and blood ailments, and malaria; whereas it contained no ingredients or medicinal agents effective as a treatment, remedy, or cure for indigestion, biliousness, or kidney or blood ailments, or malaria.

On June 13, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19525. Adulteration and misbranding of Ergotole. U. S. v. 286 Bottles of Ergotole. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27385. I. S. No. 42151. S. No. 5582.)

Examination of the drug product Ergotole showed that it was represented to be standardized to the same potency as fluidextract of ergot, whereas its potency was approximately one-third that of the pharmacopoeial requirement for fluidextract of ergot. The article would not produce certain therapeutic results claimed for it in the labeling, because of its low potency.

On December 18, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 286 bottles of Ergotole, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by Sharp & Dohme (Inc.), from Philadelphia, Pa., on or about October 6, 1931, and had been transported from the State of Pennsylvania into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that it was sold under the following standard of strength, (carton and bottle label) "Ergotole * * * A Purified Liquid Preparation of Selected Ergot of Rye," (circular) "Ergotole is a liquid extract of Ergot of Rye, containing the oxytocic constituents of the drug * * * Ergotole is biologically assayed by the cock's comb method, and standardized to the same potency as the Fluid-extract of Ergot," whereas the strength of the article fell below such professed standard.

Misbranding of the article was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton and bottle labels) "Ergotole * * * A Purified Liquid Preparation of Selected Ergot of Rye;" (circular) "Ergotole is a liquid extract of Ergot of Rye, containing the oxytocic constituents of the drug. * * * Ergotole is biologically assayed by the cock's comb method, and standardized to the same potency as the Fluidextract of Ergot. The chief use for Ergotole is to excite uterine contraction and to check uterine hemorrhage. It is therefore indicated for use in the third stage of labor. * * * Ergotole may be administered orally or hypodermically. The suggested average dose for hypodermic administration is ten minims, and for oral administration thirty minims." Misbranding of the article was alleged for the further reason that the statement, "The chief use for Ergotole is * * * to check uterine hemorrhage," appearing in the labeling regarding the curative or therapeutic effects of the article, was false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 19451-19525

Aconite, tincture:	N. J. No.
Sharp & Dohme (Inc.)	19456, 19494
Upjohn Co.	19473
Admirine:	
Eucaline Medicine Co.	19464
Kincheloe, J. A.	19478
Kolb Bros. Drug Co.	19495
Alexander's, Dr., Lung Healer:	
Valley Drug Co.	19503
Alkavis:	
McCullough Drug Co.	19511
Allen's rheumatic treatment:	
Allen, Hart M., Laborato-	
ries.	19490
Asthma and hay fever medicine:	
Bell, C. A.	19476
Ballard's Golden oil:	
Ballard Golden Oil Co.	19472
Ballard, I. A.	19472
Beam rheumatism exterminator:	
Beam Medicine Co.	19482
Blair's female tablets:	
Becker Chemical Co.	19459
Ton-Ko-No herbs:	
Becker Chemical Co.	19459
Breeden's rheumatic compound:	
Parker-Blake Co.	19513
Brooten's Kelpor:	
Tucker, P. A.	19515
Buhler oil:	
Gelschaft Laboratories	19469
Carey's, Dr., Lifetone prescription:	
Gallagher Drug Co.	19483
Marshroot laxative pills:	
Gallagher Drug Co.	19483
Chewalla:	
Chewalla Co.	19451
Clover, red, flowers:	
Cheney, G. S., Co.	19491
Craft's medicine:	
Wells Medicine Co.	19493
Davis, Dr., Rheumagon:	
Rheumagon Sales Co.	19501
Ergot ampuls:	
Endo Products (Inc.)	19454
fluidextract:	
American Pharmaceutical Co.	
(Inc.)	19452, 19523
Lilly, Eli, & Co.	19504
Ergotole:	
Sharp & Dohme (Inc.)	19525
Ether:	
Baker, J. T., Chemical Co.	19470
Cohen, Sidney	19509
Elias, Milton, Co.	19508
Harold Surgical Corporation	19508
Keene Chemical Co.	19508
Mallinckrodt Chemical	
Works	19462, 19474
Pacific Chemical Co.	19509
Fem tonic:	
Merrell, J. S., Drug Co.	19475
Fosfatol tonic:	
Vitagenol Medicine Co.	19518
Gento:	
Gento Laboratories	19500
Ginger, fluidextract:	
Dreyfoos, L. B.	19452
Elk Manufacturing Co.	19505
Queen City Distributing Co.	19452
Wolf, I. S.	19452
Goodwin's, Dr., silkweed herbal com-	
ound:	
Goodwin, Dr. F. A.	19520

Greenhalgh blood purifier:	N. J. No.
Greenhalgh Remedy Co.	19463
Mountain Rush:	
Greenhalgh Remedy Co.	19463
cancer powder:	
Greenhalgh Remedy Co.	19463
canker syrup:	
Greenhalgh Remedy Co.	19463
cough syrup:	
Greenhalgh Remedy Co.	19463
diphtheria remedy:	
Greenhalgh Remedy Co.	19463
kidney powder:	
Greenhalgh Remedy Co.	19463
liniment:	
Greenhalgh Remedy Co.	19463
locus oil:	
Greenhalgh Remedy Co.	19463
Naturello:	
Greenhalgh Remedy Co.	19463
wash:	
Greenhalgh Remedy Co.	19463
Hammer's kidney and bladder pills:	
Hygenol Co.	19479
Hay fever and asthma medicine:	
Bell, C. A.	19476
Hepatoa:	
Mulford, H. K., & Co.	19517
Yglesias & Co. (Inc.)	19516
Hermance's, Dr. M., asthma and hay	
fever medicine:	
Bell, C. A.	19476
Ki-La-Ga:	
Hartig Drug Co.	19498
Kidney and bladder pills:	
Hygenol Co.	19479
Lillibek's Antiseptic Aseptine:	
Vicksburg Chemical Co.	19485
Link's, Dr., Golden tonic:	
Link, C. P.	19524
Link, J. W.	19524
Link, L. R.	19524
Link, Dr. W. A., Medicine Co.	19524
Mackie's pine oil:	
Mackie's Pine Oil Specialty	
Co. (Inc.)	19455
Malva:	
Malva Medicine Co.	19522
leaves, granulated:	
Penick, S. B., & Co.	19514
Mantone:	
Wachsellan Mantone Medicine	
Co. (Inc.)	19458
Meyer's Mount Clemens aperient	
water:	
Meyer, John	19497
Munyon's Paw-Paw tonic:	
McKesson Lincoln Co.	19488
Nitro-Methol aseptic:	
Denver Mud Chemical Co.	19512
Oxylene liquid:	
Hance Bros. & White (Inc.)	19453
paste:	
Hance Bros. & White (Inc.)	19453
Parker's stock powder:	
Parker Homestead Co.	19519
Penor's, Dr., antiseptic uterine	
tablets:	
Stoner, Dr., G. D., Co.	19486
Phillips' Anti-Phlogistic mud:	
Denver Mud Chemical Co.	19499

¹ Contains instructions to the jury.

	N. J. No.		N. J. No.
Pratts N-K nicotine and kamala tablets:		Stillman's douche powder:	
Pratt Food Co-----	19507	Stillman Co-----	19506
Pyro-Sana tooth paste:		Tiko: Parinton Medicine Co-----	19457
Alhosan Chemical Co-----	19502	Tuttle's Family elixir:	
R & G medicinal water:		Tuttle's Elixir Co-----	19480, 19510
Abadie, W. B-----	19471	Urodonal:	
Re-Ju-Va:		Wallau, George J. (Inc.)-----	19477
De Vore Manufacturing Co--	19489	Vernon's, Dr., Anti-Flu:	
Rico rheumatism remedy:		Vernon, J. W-----	19465
Rico Medicine Co-----	19481	Viavi cerate:	
tablets:		Viavi Co-----	19466
Rico Medicine Co-----	19481	liquid:	
Ru-Co the Wonderful:		Viavi Co-----	19466
Collins, Clyde, Chemical Co--	19460	Von's pink tablets:	
Samaritan nervine:		Omaha Von Co-----	19468
Richmond Remedies Co-----	19492	Wallingford's garget cure:	
Servex:		Cox, V. E-----	19521
Servex Laboratories (Ltd.)--	19496	Weldona:	
Simmons, Dr., Four-Fold salve:		Kells Co-----	19487
Warner, Wm. R., Co-----	19467	ZePyrol:	
		McKesson-Potts Drug Co-----	19461